Third Series, Vol. V—No. 48

Tuesday, June 19, 1962
Jyaistha 29, 1884 (*Saka*)

LOK SABHA DEBATES

(First Session)

(Vol. V contains Nos. 41—51)

LOK SABHA SECRETARIAT
NEW DELHI

ONE RUPEE (INLAND) FOUR SHILLINGS (FOREIGN)

CONTENTS

[Third Series, Volume V—June 8 to 22, 1962/Jyaistha 18 to Asadha 1, 1884 (Saka)]

No. 41.—*Friday, June* 8, 1962/*Jyaistha* 18, 1884 (*Saka*)

	COLUMNS
Oral Answers to Questions—	
Starred Questions Nos. 1353 to 1355, 1357 to 1365, 1367 to 1371 and 1373	9631—70
Written Answers to Questions—	
Starred Questions Nos. 1356, 1366, 1372 and 1374	9670—73
Unstarred Questions Nos. 2787 to 2860 and 2862 to 2869	9673—9725
Correction of Answer to U.S.Q. No. 1593 dated 18-5-1962	9725-26
Calling Attention to Matter of Urgent Public Importance—	
Reported dislocation in un-loading operations at Salt Cotaurs Railway Goods Shed	9726—28
Invitation to People's Republic of China to proposed Anti-nuclear Bomb Convention at Delhi	9728—30
Papers laid on the Table	9730-31
Demands for Excess Grants (Railways), 1959-60	9731-32
Business of the House	9732
Statement re: Foreign Exchange Situation	9732—38
Election to Committee—	
Central Advisory Board of Education	9738-39
Advocates (Second Amendment) Bill—Introduced	9739—41
Motion re: Joint Committee on Offices of Profit	9740—42
Demands for Grants—	
Ministry of Commerce and Industry	9743—9819
Bills introduced—	
Political Sufferers Aid Bill	9819
Hindu Marriage (Amendment) Bill	9819-20
Legislative Councils (Composition) Bill—*Circulated*	9820—41
by Shri Shree Narayan Das Motion to Circulate—	
Indian Post Offices (Amendment Bill—*Negatived*	9841—63
(Amendment of Sections 68 and 69, by Shri S. C. Samanta)	
Motion to consider	9841—63
Indian Penal Code (Amendment) Bill—	
(Amendment of Sections 405 and 406 by Shri D. C. Sharma)	9863—78
Motion to consider	9863—78
Daily Digest	9879—84

No. 42.—*Monday, June* 11, 1962/*Jyaistha* 21, 1884 (*Saka*)

Oral Answers to Questions—	
Starred Questions Nos. 1376, 1377, 1382 to 1384, 1386, 1388, 1390 to 1394 and 1397 to 1401	9885—9927
Written Answers to Questions—	
Starred Questions Nos. 1375, 1378 to 1381, 1385, 1387, 1389, 1395, 1396, 1402, 1403 and 1405	9927—34
Unstarred Questions Nos. 2870 to 2897, 2899 to 2915, 2917 to 2931 and 2933 to 2935	9934—74

	COLUMNS
Calling Attention to Matters of Urgent Public Importance—	
Tuberculin test reaction at Enath in Kerala	9974—76
Derailment of Nagpur-Tatanagar passenger train	9976—82
Papers laid on the Table	9982
Committee on Absence of Members from the Sittings of the House—	
First Report	9982
Demands for Grants	9983—10115, 10116—64
Ministry of Commerce and Industry	9983—10047
Ministry of Finance	10047—10115, 10116—64
Change in date of a sitting	10115
Business Advisory Committee—	
Second Report	10164
Daily Digest	10165—70
No. 43.—*Tuesday, June* 12, 1962/*Jyaistha* 22, 1884 (*Saka*)	
Oral Answers to Questions—	
Starred Questions Nos. 1406, 1407, 1409, 1411 to 1413, 1415, 1416, 1419 to 1424, 1426 and 1428	10171—10208
Short Notice Questions Nos. 14 to 16	10209—17
Written Answers to Questions—	
Starred Questions Nos. 1408, 1410, 1414, 1417, 1418, 1425, 1427 and 1429	10217—23
Unstarred Questions Nos. 2936 to 3043	10223—94
Calling Attention to Matters of Urgent Public Importance	10296—10308
Alleged failure of Government to supply AAG mark lables for tobacco in Guntur	10294—96
Reported occupation of Indian territory by Pakistan armed forces	10296—99
Collision of bus with Passenger train near Sambhar Lake	10299—10308
Papers laid on the Table	10308
Statement re. Agreement with Central Provinces Manganese Ore Co. Ltd.	10309
Statement re. Negotiations between U.K. and European Economic Community	10309—12
Business Advisory Committee—	
Second Report	10312—14
Demands for Grants—	
Ministry of Finance	10313—10428
Appropriation (No. 2) Bill, 1962—Introduced and Passed	10427-28
Finance (No. 2) Bill, 1962—	
Motion to consider	10429—40
Daily Digest	10441—48
No. 44.—*Thursday, June* 13, 1962/*Jyaistha* 23, 1884 (*Saka*)	
Oral Answers to Questions—	
Starred Questions Nos. 1430, 1431, 1433 to 1440, 1442, 1444, 1445 and 1447 to 1449	10449-86
Written Answers to Questions—	
Starred Questions Nos. 1432, 1441, 1443, 1446 and 1450 to 1464	10487—98
Unstarred Questions Nos. 3044 to 3135, 3137 to 3141, 3143 and 3144	10908—10560
Short Notice Question No. 17	10560
Motion for Adjournment—	
Train-bus collision at railway crossing	10560—62
Calling Attention to Matters of Urgent Public Importance—	
Reported movement of Chinese tanks and armoured vehicles in occupied Indian territory in Northern Ladakh	10563—76
Reported admonition of some semior army officers posted in NEFA	10576—85
Scarcity of filtered water in West Vinay Nagar, Delhi	10586—89

	COLUMNS
Committee on Private Members' Bills and Resolutions—	
Second Report	10589
Finance (No. 2) Bill, 1962—	
Motion to consider	10589—10734
Daily Digest	10735—40
45. *Friday, June* 15, 1962 *Jyaistha* 25, 1884 (*Saka*)	
Oral Answers to Questions—	
Starred Questions Nos. 1465, 1467 to 1473 and 1475 to 1480	10741—79
Written Answers to Questions—	
Starred Questions Nos. 1466, 1474 and 1481 to 1488	10779—85
Unstarred Questions Nos. 3145 to 3213	10785—10831
Calling Attention to Matter of Urgent Public Importance—	
Cracker explosion in Sadar Bazar, Delhi	10831—38
Papers laid on the Table	10838—40
Leave of absence	10839—41
Bills introduced—	
Customs Bills; and Specific Relief Bill	10841-42
Finance (No. 2) Bill, 1962—	
Motion to consider	10842—10938
Committee on Private Members' Bills and Resolutions—	
Second Report	10938
Resolution re. Removal of Untouchability	10938—87
Resolution re. Representative Character of Trade Unions	10987—11010
Daily Digest	11011—16

COLUMNS

No. 46. *Saturday, June* 16, 1962/*Jyaistha* 26, 1884 (*Saka*)

Oral Answers to Questions—
Starred Questions Nos. 1489 to 1491, 1493 to 1496, 1498 to 1503, 1505 and 1507 to 1509 . . . . . 11017—55
Written Answers to Questions—
Starred Questions Nos. 1492 1497, 1504 and 1506 . 11055—58
Unstarred Questions Nos. 3214 to 3293 . . . 11059—11111
Calling attention to Matter of Urgent Public Importance—
Firing by Pakistani Armed Police on evacuees from Rajshahi District 11111—21
Papers laid on the Table 11121
Re. Calling Attention Notice . . 11121
Correction of Answer to Starred Question No. 513 . . 11121—22
Business of the House 11122-25,10255-56
Finance (No. 2) Bill, 1962 . . 11125—11221
Clauses 2 to 19 and 1, and Schedules . 11125—95
Motion to pass, as amended . . 11195—11221
Demands for Excess Grants (General), 1959-60. 11222—55
Daily Digest 11257—62

No. 47.—*Monday, June* 18, 1962/*Jyaistha* 28, 1884 (*Saka*

Oral Answers to Questions—
Starred Questions Nos. 1510 to 1518, 1520, 1521, and 1523 11263—11303
Short Notice Question No. 18 11303—06
Written Answers to Questions—
Starred Questions Nos. 1519, 1522 and 1524 to 1537 . . . 11336—15
Unstarred Questions Nos. 3294 to 3300, 3303 to 3370, 3373 to 3391 and 3393 to 3422 . . . . . 11315—91
Statement by Prime Minister—
Firing by Pakistani Armed Police on evacuees from Rajshahi District 11391—11406
Calling Attention to Matters of Urgent Public Importance—
Reported decision of Prof. J. B. S. Haldane to quit the C.S. and I.R. 11306—15
Papers laid on the Table . . . 11415.16
Correction of Answer to Starred Question No. 219 11416
Demands for Excess Grants (General), 1959-60 . 11416—18
Demands for Excess Grants (Railways) 1959-60 . 11419—43
President's Pension (Amendment) Bill . 11443—96
Motion to consider 11443—90
Consideration of clauses . 11490—96
Motion to pass . . . 11496
Motion re. Railway Accident . . 11496—11557
Half-an Hour Discussion re. Bagh River Project 11557—64
Daily Digest . . . . . 11565—72

No. 48.—*Tuesday, June* 19 1962/*Jyaistha* 29, 1884 (*Saka*)

Oral Answer to Questions—
Starred Questions Nos, 1538 to 1549, 1551 and 1552 . 11573—11611
Short Notice Questions No. 19 and 19-A . . 11611—20
Written Answers to Questions—
Starred Questions Nos. 1553, 1554 to 1562 . . . . . 11620—26
Unstarred Questions Nos. 3422 to 3486 3487 to 3497, 3500 and 3501 . 11626—74

COLUMNS

Calling Attention to Matters of Urgent Public Importance—
Outbreak of epidemic of paralysis in Malda District . . . 11674—77
Water scarcity at Delhi station and Ferozeshah Kotla, Delhi 11677—79
Papers laid on the Table . . . . . 11679—82
Statement re: Report of Oil and Natural Gas Commission for the year 1960-61 11683—86
Bills introduced—
Extradition Bill . . 11686
Appropriation (No. 3) Bill, 1962 . . . 11686-87
Appropriation (Rai ways) No. 3 Bill, 1962 . 11687-88
Advocates (Second Amendment) Bill 11688—11700
Motion to consider . 11688—11700
Clauses 2 and 1 . 11700
Motion to pass, as amended . . 11700
Motion re: Conduct of Elections Rules 11701-55, 11771-72
Customs Bill . . . 11755—70
Motion to refer to Select Committee . . . . . 11755—70
Half-an-Hour discussion re: Sharing of Rihand Power by U.P. and M.P. 11772—82
Daily Digest . 11783—90

No. 49.—*Wednesday, June* 20, 1962/*Jyaistha* 30 1884 (*Saka*)
Oral Answers to Questions—
Starred Questions Nos. 1563 to 1575 . 11791—11826
Short Notice Questions Nos. 20 and 21 11826—29
Written Answers to Questions—
Starred Questions Nos. 1576 to 1590 . . 11829—38
Unstarred Questions Nos. 3502 to 3514, 3516 to 3570, 3572 to 3633, 3635, 3636 and 3636-A to 3636-G . . . . . 11838—11933
Correction of Answer to U.S.Q. No. 1748 dated 22-5-62 11933—34
Motion for Adjournment—
Reported Chinese incursions into Indian territory 11934—36
Papers laid on the Table 11936
Message from Rajya Sabha 11937-38
Committee on Private Members' Bills and Resolutions—
Third Report 11938
Hindu Adoption and Maintenance (Amendment) Bill—Introduced 11938
Appropriation (No. 3) Bill—Passed 11938-39
Appropriation (Railways) No. 3 Bill—Passed . 11939-40
Motion re: Report of University Grants Commission . . 11940—12064
Half-an-Hour Discussion re: Rehabilitation of displaced persons in West Bengal 12065—96
Daily Digest 12097—12105

No. 50.—*Thursday, June* 21, 1962/*Jyaistha* 31, 1884 (*Saka*)
Oral Answers to Questions—
Starred Questions Nos. 1591 to 1599, 1601 and 1614, 1602 to 1605 12107—53
Written Answers to Questions—
Starred Questions Nos. 1600, 1603, 1602-A, 1606 to 1610, 1612, 1613, 1615 to 1620 12144—53
Unstarred Questions Nos. 3637 to 3690, 3692 to 3712, 3714 to 3723, 3725 to 3742, 3744 to 3752, 3754 to 3767, 3767-A, 3767-B, 3767-C 12153—12235
Correction of Answer to Unstarred Question No. 2046 . 11235

COLUMNS

Calling Attention to Matters of Urgent Public Importance—
Talks with Secretary of State for Commonwealth Relations for U.K. re: E.C.M. 12235—39
Heavy floods in Kamalpur and other parts of Tripura . 12239-40
Point of Information 12240-41
Papers laid on the Table 12241-44
Committee on Private Members' Bills and Resolutions—
Minutes 12244
Committee on Absence of Members from the Sittings of the House—
Minutes 12244-45
Correction of Answer o Starred Question No. 1363 . . 12245
Statement re: Report of Solveen Delegation . . . . . 12245—47
Motion re: Indian Administrative Service (Pay) Rules—Negatived . . 12247—77
Drugs (Amendment) Bill . . . . 12277—12365
Motion to consider, as passed by Rajya Sabha. . 12277—12364
Clauses 2 to 22 and 1 12264
Motion to pass 12264 65
Half-an-Hour discussion re: Allotment of C.I. sheets to States . 12365—82
Daily Digest . . . . . 12383—94

No. 51.—*Friday, June* 22, 1962/*Asadha* 1, 1884 (*Saka*)

Oral Answers to Question—
Starred Questions Nos. 1621, 1623, 1626, and 1628 to 1637. 12395—12431
Short Notice Questions Nos. 22 and 23 . . . 12431—40
Written Answers to Questions
Starred Questions Nos. 1622, 1624, 1625, 1627, 1637-A, 1638 and 1639. 12440—44
Unstarred Questions Nos. 3768 to 3833, 3835 to 3845 . . . 12444—94

Calling Attention to Matters of Urgent Public Importance—
Reported Chinese occupation of Indian territory in NEFA. . . 12494—98
Death of two M.E.S. sweepers at I.A.F. station Baprola, Delhi 12498—12502
Train-truck collision near Tilrath station on N.E. Railway . . 12502—08
Papers laid on the Table . . . . 12508—11
Message from Rajya Sabha 12511
Petition reg. Amendment to Conduct of Election Rules . . . 12511-12
Bills Introduced—
Assam Rifles (Amendment) Bill . 12512
Administrators-General Bill . . . . . 12512—14
Christian Marriage and Matrimonial Causes Bill . . . 11514
Motion re: Shortfalls in targets of Third Five Year Plan 12514-61
Committee on Private Members' Bills and Resolutions
Third Report 12562
Private Members' Bills—Introduced—
(1) The All India Ayurvedic University Bill by Shri A. T. Sarma . . . 12562-63
(2) The Insurance (Amendment) Bill (*Amendment of sections* 31*A and* 40C) by Shri Indrajit Gupta 12563
(3) The Beedi and Cigar Labour Bill by Shri A. K. Gopalan 12563
(4) The Restrictions on Edible Oils (for Manufacture of Soap) Bill by Shri D. C. Sharma 12564
(5) The Transport Coordination Bill by Shri D. C. Sharma. . . . 12564
(6) The Shopkeepers (Fixation of Price Labels) Bill by Shri J. B. S. Bist . . 12565
(7) The Legal Practitioners (Amendment) Bill (*Amendment of sections* 14 *and* 15) by Shri Hem Raj 12565
(8) The Hindu Succession (Amendment) Bill (*Amendment of section* 30) by Shri Hem Raj 12565-66

COLUMNS

(9) The Indian Railways (Amendment) Bill (*Amendment of sections* 11 *and* 12) by Shri Hem Raj 12566

(10) The Constitution (Amendment) Bill (*Amendment of Article* 226) by Shri D. C. Sharma 12566–67

(11) The Constitution (Amendment) Bill (*Amendment of the Eighth Schedule*) by Shri U. M. Trivedi 12574

Indian Penal Code (Amendment) Bill (*Amendment of sections* 405 *and* 406) by Shri D. C. Shamra—Withdrawn—

Motion to consider . . . . . 12567—74

Hindu Succession (Amendment) Bill (*Insertion of new section* 23A) by Shri J. B. S. Bist—Circulated—

Motion for circulation . . . . . 12574—12607

Untouchability (Offences) Amendment Nill (*Amendment of section* 3 *and* 4) by Shri Siddiah—

Motion for circulation . . . . . 12607—24

Half-an-Hour discussion re: Phyto Chemical Plant at Neriamangalam 12624—36

Validictory reference 12636

Daily Digest . . . . . 12637—46

Resume . . . . . 12647—50

N.B.—The sign+marked above the name of a member on questions which were orally answered indicates that the question was actually asked on the floor of the House by that Member.

GMGIPND—LS—II—1171(Ai) LS—13-7.62—900.

LOK SABHA

Tuesday, June 19, 1962/Jyaistha 29, 1884 (Saka).

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Model Service and Recruitment Rules for Public Sector Undertakings

*1538. **Shri Shree Narayan Das:**
Shri Morarka:
Shri Daljit Singh:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the question of formulating a set of model service and recruitment rules for public sector undertakings and other autonomous organisations is engaging the attention of Government; and

(b) if so, by which time it is expected to be finalised?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

The Government of India have circulated for the guidance of public sector undertakings a note laying the broad principles to be followed in making recruitments. A copy of this note was placed on the Table of the House in reply to Starred Question No. 1520 answered on 14th April 1961. While keeping in view these principles, the Board of these Undertakings are free to adopt procedures suitable to the circumstances and conditions in their units.

A draft of model recruitment rules for the public sector undertakings intended to assist their Boards in framing rules and procedures appropriate to their circumstances had also earlier been circulated to them. The finalisation of these model rules is still under consideration.

As the House is aware, while being ready to offer every assistance for the smooth and efficient functioning of public sector undertakings, it is the policy of the Government of India that they should function as autonomous bodies.

Shri Shree Narayan Das: May I know whether it is proposed to have one examination for recruitment of personnel for all these undertakings?

Shri Kanungo: No. From the statement now laid on the Table, from a note which was laid on the Table in 1960 and from the reply given to a question in August 1961, it will be clear that certain directions and guidelines have been given. Each undertaking, which is an autonomous body, will decide its own method of recruitment.

Shri Shree Narayan Das: May I know whether the existing services and recruitment rules made by various autonomous bodies had been submitted to Government for examination,

and if so, whether Government had scrutinised them and made suggestions?

Shri Kanungo: Every administrative Ministry examines the rules of recruitment concerning the companies under its control.

Shri Morarka: Is it not a fact that in the absence of these model rules which are under consideration of Government, qualifications are prescribed, and appointments made, on an *ad hoc* basis, and that this has invited a lot of criticism from the public?

Shri Kanungo: I do not know about that. At least in the parliamentary debates, it has not come out. I should say each job in a particular establishment is special to it. It cannot be equated to others except on broad lines. As regards the broad lines, the instructions of Government have already been placed on the Table.

Shri Sham Lal Saraf: May I know if the recruitment rules for managerial posts are separate from those for administrative and clerical posts?

Shri Kanungo: Obviously, because the clerical posts will be lower down and the managerial posts will be on the top. There is the Industrial Management Pool out of which managerial talent is drawn.

Shri S. N. Chaturvedi: What are the broad indications that have been given in regard to the rules of recruitment of service of these undertakings?

Shri Kanungo: I would refer the hon. Member to the statement placed on the Table of the House in 1960.

Shri Hari Vishnu Kamath: The statement laid on the Table of the House says:

> "A draft of model recruitment rules for the public sector undertakings intended to assist their Boards in framing rules and procedures appropriate to their circumstances had also earlier been circulated to them. The finalisation of these model rules is still under consideration".

As the public sector undertakings will be accountable to Parliament, in contradistinction to Government, may I know whether these model rules, before finalisation, will be placed before Parliament for such modifications as Parliament may deem fit?

Shri Kanungo: As I said, the model rules are just an indication. It is not that they should be applicable to each establishment strictly. It will be a guideline on the basis of of which each establishment will frame its own rules.

As far as Parliament is concerned, when the draft model rules are prepared, I will place the same on the Table of the House.

Village Housing Projects Scheme in Delhi

*1539. **Shri Bhagwat Jha Azad:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Village Housing Projects Scheme in Delhi has proved successful; and

(b) if so, whether Government propose to extend the Scheme to a larger area?

The Deputy Minister in the Ministry of Works, Housing and Supply (Shri Jaganatha Rao): (a) and (b). In addition to the six villages to which the Scheme was extended previously, it is now being extended to another seven villages during this year.

Shri Bhagwat Jha Azad: Under this scheme which is now being extended, how far have the projects relating to these been constructed? Also, what is the expenditure thereof?

Shri Jaganatha Rao: In Delhi, about 20 villages were to have this

In the first year, 6 villages were taken up. Now that programme has gone ahead, the administration is taking up another 7 villages this year.

Shri Bhagwat Jha Azad: Is any model housing scheme prepared under this project? If so, what is the minimum amount that has been prescribed, and whether it falls in the low income or middle income or any other income group?

Shri Jaganatha Rao: This scheme differs from the low income and middle income housing schemes. The maximum loan that can be given under this scheme is Rs. 2,000. This scheme is mainly based on the principle of aided self-help.

Shri Sonavane: I want to know what the nature of the scheme will be, what persons would be benefited and the details of the scheme.

Shri Jaganatha Rao: The scheme is intended only to help the villagers in either constructing new houses or remodelling their existing houses.

Dr. K. L. Rao: May I know whether the water supply arrangements for this village housing scheme have also been looked into?

Shri Jaganatha Rao: Yes, Sir. That is one of the essential features of this scheme.

Shri Lahri Singh: What is the rate of interest charged from the persons applying for this loan?

Shri Jaganatha Rao: About five per cent.

Tibetan Refugees

+

*1548. **Shri Hari Vishnu Kamath:**
Shri Krishna Deo Tripathi:

Will the **Prime Minister** be pleased to state:

(a) the total number of Tibetan refugees in India at present;

(b) the efforts and arrangements made by Government for providing them relief, employment and educational facilities; and

(c) the contribution, financial and otherwise made by the Dalai Lama himself towards the rehabilitation of these refugees?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) Approximately 32,300.

(b) Government of India are providing food, clothing, accommodation and other necessities to all Tibetan refugees. About 8,000 persons have been or are in the process of being permanently rehabilitated on land. Majority of the remaining able bodied workers are employed on road works. Residential and Day Schools have been opened for the children according to requirements.

(c) The Dalai Lama has made some contribution towards some of the welfare activities for Tibetan Refugees.

Shri Hari Vishnu Kamath: How many refugee camps are there all over the country, and could we know the names of the places where they are situated?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I could not give all the names of the camps, but the permanent rehabilitations are in Mysore—a camp of about 3,000 now but it is expected to have more. That is a regular colony of Tibetan refugees established there. It is proposed to have some more colonies, perhaps one in Orissa, perhaps one in Uttar Pradesh. We have to be careful about the climate of the place because a very hot climate will not suit the Tibetans. Then in NEFA there is a camp. The Dalai Lama himself lives in Dalhousie, and a fairly large number of Tibetan children have gathered round him, that is, the

parents leave them there feeling rather assured that the Dalai Lama would look after them. The burden is rather heavy. It is now proposed to have a children's village somewhat after the fashion of the Swiss children's village which they had after the War, Pestalozzi I think. That is being thought of. And then there are a number of people in Ladakh, and there are people working, young Tibetans working on roads in various places.

Shri Hari Vishnu Kamath: Have any reports reached Government that in the past some Chinese spies or agents have infiltrated along with the Tibetan refugees into India, and if so, has there been any screening on the part of Government before refugees are admitted into India?

Shri Jawaharlal Nehru: There is some attempted screening. I am not sure it is always wholly successful, but there has been screening and some people have been separated from others.

Shri Hari Vishnu Kamath: On grounds stated by me?

Shri Jawaharlal Nehru: Yes.

Shri Indrajit Gupta: Is it the intention of the Government that these rehabilitation measures should be carried out in such a way that these refugees are to gradually become Indian citizens?

Shri Jawaharlal Nehru: There is no attempt to make them Indian citizens. They may, of course, if they fulfil the qualifications, become Indian citzens, but the main object is to treat them as Tibetans with Tibetan language, Tibetan culture, Tibetan religion etc. In addition, of course, they learn Hindi, and sometimes, maybe, a little English.

Dr. M. S. Aney: Are they required to live in specified colonies, or are they permitted to go anywhere they like?

Shri Jawaharlal Nehru: I do not quite know. In a sense it is open to them to go anywhere they like, but it is very difficult for them to do so because of the difficulty of language and other things. They just can't do it.

Shri Hem Barua: May I know whether the attention of the Government has been drawn to the fact of China launching a systematic campaign through cinema slides, lectures, radio broadcasts.....

Mr. Speaker: He ought to come to the question.

Shri Hem Barua:....depicting the so-called horrid conditions of life and the hard work to which the Tibetan refugees in this country are supposed to be subjected to and.....

Mr. Speaker: He should come straight to the question.

Shri Hem Barua: Yes, Sir: if so whether the Government have launched a counter-campaign to nail this Chinese lie to the coffin?

Shri Jawaharlal Nehru: I am sorry it is difficult to grasp the hon. Member's questions; the preamble is too long. We have started no such campaign here.

Shri Hem Barua: My question was whether Government was aware of it.

Mr. Speaker: No counter-campaign has been launched; answer has been given.

Shri Bade: Is there any autonomous society by which education is given to the Tibetan students and of which the President is the Education Minister and if so, what is the amount spent by the society for the Tibetan students?

Shri Jawaharlal Nehru: What society?

Shri Bade: It is a non-Government institution. It is said here that an autonomous society registered under

the Societies Registration Act has been formed to arrange for the provision of educational facilities for the children of displaced Tibetans. I am asking: what is the amount spent and what is the grant to the society?

Shri Jawaharlal Nehru: I know only of one society: Tibetan Refugees Aid Society, of which, I think, Acharya Kripalani is the Chairman; I do not know of any other.

Shri Bade: It is written here that Education Minister is the Chairman of the Society. Dalai Lama is a member.

Mr. Speaker: Is any aid given to it.

Shri Jawaharlal Nehru: In regard to students we have been particularly anxious to provide schools for the children and the Educational Minister is always consulted; in fact he decides a great deal about it. I do not know if some special or sub-committee is there and whether he is a member of that committee for this purpose.

But the Tibetan Refugees Aid Society has nothing to do with Government except that it is in touch with Government.

श्री भक्त दर्शन : श्रीमन् मैं यह जानना चाहता हूं कि इतने प्रयत्नों के बावजूद भी ऐसे कितने तिब्बती शरणार्थी हैं जो ट्रांजिट कैम्पों में पड़े हुए हैं और देर से देर कब तक उनके पूरी तरह से बसाए जाने की उम्मीद की जाती है ?

श्री जवाहरलाल नेहरू : मेरी समझ में नहीं आया । मैं ने अभी नम्बर दिया था कि शायद ३२ हजार हैं वह कुल, और वह रहेंगे । उनको मदद करने की कोई तारीख मुकर्रर नहीं की गयी है । जब तक उनको जरूरत होगी उनको मदद दी जाएगी ।

श्री भक्त दर्शन : मेरा मतलब यह था कि जिनको स्थायी रूप से बसाया जा चुका है उनके अलावा कुछ ऐसे हैं जो अभी भी ट्रांजिट कैम्पों में पड़े हुए हैं । उनकी हालत खराब है । मैं उन के बारे में जानना चाहता था ।

श्री जवाहरलाल नेहरू : मैं नहीं जानता कि कितने कैम्पों में पड़े हैं । सिवाय उनके जो नए आए हों और ट्रांजिट कैम्प में हों, इन कैम्पों वालों को भी कुछ काम वगैरह दिया जाता है ।

Shri Nath Pai: Is any aid being received from any country abroad for the rehabilitation of these refugees and, if so, the name of the countries and the amount of aid? Secondly, is it the policy of Government to allow Tibetan children to be adopted by foreign parents?

Shri Jawaharlal Nehru: I cannot give the exact figures of the sum of aid received by the Government. The Government of New Zealand is aiding and the Government of Australia also gave some amount. Switzerland sent something as also, I believe, the United Kingdom Government. From the United States, I believe they have helped the unofficial committee and to some extent medicines and other things have been sent.

Shri Nath Pai: Is Government encouraging the adoption of Tibetan children by foreign parents and, if so, how many such children have gone so far?

Shri Jawaharlal Nehru: We have not encouraged any such adoption. About twenty or so children were taken away with some of their parents to Switzerland by some organisation in Switzerland. Perhaps they are in the children's village there. I have not heard anything about adoption.

Mr. Speaker: Next question.

Shri Hari Vishnu Kamath: What about allowing one more supplementary to the main questioner?

Mr. Speaker: I have already allowed two.

Shri Hari Vishnu Kamath: You normally allow three.

Prices of Drugs under Patent System

*1541. **Shri M. K. Kumaran:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the attention of Government has been drawn to an article by Major General Sokhey published in the Annual Number (February 1962) of the Economic Weekly dealing with the exorbitant prices of drugs in India under the patent system; and

(b) if so, the reactions of Government to the suggestions made in the article to improve the position?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) and (b). A statement is laid on the Table of the House.

STATEMENT

(a) Yes, Sir.

(b) The Government of Inida have under active consideration the revision of the present law relating to patents and I expect that a comprehensive bill on the subject will be brought before this House shortly. This bill will among other things take note of the points brought out in Major General Sokhey's article.

Shri M. K. Kumaran: It is now two years since the one-man committee of Justice Rajagopala Ayyangar and the panel of scientists for the Planning Comission recommended that the patent law should be revised since it is detrimental to the national economy. May I know why the Government is so slow in bringing about legislation in this matter?

Shri Kanungo: The Bill will be introduced in this House and then the hon. Member will judge what a complicated piece of legislation it is.

Shri M. K. Kumaran: Major-General Sokhey, in his article, has referred to the agreement made by the Government of India with Merck. May I know whether that agreement wherein royalty is given to the Merck will be in force even after the establishment of the Rishikesh plant?

Shri Kanungo: It is an agreement and it will continue to be an agreement till it is cancelled.

Shri Hem Barua: May I know whether it is a fact that foreign patents are going to release to us or free us of all the royalties that we have to pay and, if not, how do the Government propose to lower the exorbitant price of drugs in the face of of that?

Shri Kanungo: I would request the hon. Member to have patience till the Bill is introduced.

Shri Thirumala Rao: Has the attention of the Ministry of Commerce and Industry been drawn to the recommendation made by the Health Survey Comittee in this behalf that the foreign collaborators are putting up very high prices for the drugs manufactured in India?

Shri Kanungo: There is no price collaboration. Foreign collaboration is not the reason for high prices.

Export of Manganese Ore

+

*1542. **Shri Maheswar Naik:**
Shri D. C. Sharma:
Shri P. C. Borooah:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a tripartite agreement has been entered into between India, U.K. and U.S.A. for export of manganese ore in exchange of terylene fabrics; and

(b) if so, the details thereof?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). The State Trading Corpora-

tion has accepted the import of terylene fibre against export of manganese ore with private firms in U.S.A. and U.K. The details of the barter are being worked out.

Shri Maheswar Naik: What is the total requirement of the country in respect of terylene?

Shri Manubhai Shah: The requirements are small. It is only for selling manganese ore abroad, which had a foreign market, that the barter has been devised.

Shri Maheswar Naik: May I know whether the terylene requirements of the country are so essential as to necessitate the export of our manganese?

Shri Manubhai Shah: Manganese ore is bartered against fertilisers in some cases, against cotton in some cases and is bartered against such articles which are otherwise included in the import programme of the country.

Shri D. C. Sharma: What is the quantum of manganese ore that is involved in this deal?

Shri Manubhai Shah: One lakh tons, of which about 70,000 tons will be of inferior grade and 30,000 will be of the normal grade.

डा० गोविन्द दास : यह जो मैंगनीज का पत्थर बाहर जाएगा वह किस किस क्षेत्र से जाएगा, और जो बाहर जाने वाला है यह मैंगनीज का पत्थर इसका निर्यात कुछ बढ़ रहा है या घट रहा है ।

श्री मनुभाई शाह : जहां तक इस बारटर का ताल्लुक है यह पत्थर शिवराजपुर माइन्स से जाएगा और थोड़ा सा मैसूर की माइन्स से भी जाएगा । जहां तक सवाल के दूसरे हिस्से का ताल्लुक है, हम काफी बड़ी तादाद में--(१५-२० लाख टन)--मैंगनीज बाहर भेजना चाहते हैं और उसमें से ११ लाख टन का तो कांट्रेक्ट भी हो चुका है ।

Shri Daji: What shall be the quantum of terylene fabric to be imported into this country?

Shri Manubhai Shah: About 700 tons.

Shortfall in Newsprint and Synthetic Rubber

*1543. **Shri D. C. Sharma:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether shortfall in newsprint and synthetic rubber targets of the Third Five Year Plan is feared;

(b) if so, the reasons therefor; and

(c) the steps proposed to be taken to fulfil the targets?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) to (c). It is hoped that the targets for newsprint and synthetic rubber will be achieved. Government will take all necessary steps to ensure that the targets for these and other industries in the Third Five Year Plan will be implemented.

Shri D. C. Sharma: What efforts are the Government making to fulfil the target of newsprint, and what are the plans towards this end, during the third Five Year Plan period?

Shri Kanungo: Three licences have been issued to the total value of 150,000 tons which is more than adequate. The licensees are taking effective steps in ordering the machinery, etc. We are satisfied that it is possible that by the end of the third Plan, we will be able to achieve these targets.

Shri D. C. Sharma: May I know what is being done to fulfil the target so far as synthetic rubber is concerned and what are the requirements of our country?

Shri Kanungo: As regards synthetic rubber, our target is estimated at 50,000 tons. One licensee with a capacity of 30,000 tons is likely to go into production by the end of this year. For the rest of 20,000 tons, we are expecting some licensee to come along.

श्री म० ला० त्रिवेदी : अखबारी कागज के तीनों कारखानों के लिए लाइसेंस दिया गया है। मैं जानना चाहता हूं कि यह तीनों कारखाने प्राइवेट सैक्टर में हैं या पब्लिक सैक्टर में हैं और अगर पब्लिक सैक्टर में हैं तो उन पर कितनी लागत आयेगी ?

श्री कानूनगो : एक प्लांट का पब्लिक सैक्टर में ऐक्सपैंशन हो रहा है लेकिन यह तीनों कारखाने प्राइवेट सैक्टर में हैं।

Shri K. C. Pant: The only synthetic rubber plant under construction at the moment is based on alcohol. May I know whether the Government propose to encourage the use of raw materials other than alcohol, for the manufacture of synthetic rubber and if so, what will be the effect on the cost of production?

Shri Kanungo: If there are any proposals, they will be considered and discussed by the Development Wing. So far we have no proposal.

Shri S. C. Samanta: Is it a fact that indigenous newsprint that is manufactured at present is higher in cost than the imported one and if so, what steps will be taken to lower the cost of production in the three plants that are going to be set up?

Shri Kanungo: It is a fact that because of various reasons, almost historical, the cost of production in NEPA has not been as low as it ought to be. Recently, we had a team of experts and they have made suggestions, the result of which will be that the cost of production will be lower. As far as the other plants are concerned, we are satisfied that the production plant is such that it will not be too costly.

पाकिस्तानियों द्वारा भारतीय मछुओं का अपहरण

+

१५४४. श्री भक्त दर्शन :
श्री दी० चं० शर्मा :
श्री प्र० के० देव :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि २३ मई, १९६२ को सशस्त्र पाकिस्तानीयों का एक गिरोह पश्चिम बंगाल के पश्चिम दीनाजपुर जिले में भारतीय इलाके में घुस आया था और उसने एक भारतीय मछुवे का अपहरण कर लिय था ;

(ख) यदि हां, तो घटना का ब्यौरा क्या है ; और

(ग) क्या इस बारे में कोई विरोध पत्र भेजा गया है ?

वैदेशिक कार्य मंत्रालय में उपमंत्री (श्री दिनेश सिंह) (क) और (ख). २३ और २४ मई, १९६२ को पूर्व पाकिस्तान राइफल्स के हथियारबन्द कर्मचारियों की छोटी-छोटी टुकड़ियां, पश्चिम दीनाजपुर जिले के भटसाल नामक गांव में, भारतीय इलाके में घुस आई, लेकिन जैसे ही भारतीय पुलिस का एक मजबूत दस्ता उस जगह पर पहुंचा, वैसे ही वे वापस चली गई। पाकिस्तानी टुकड़ी एक भारतीय मछुवे को पकड़ ले गई थी, लेकिन भारतीय पुलिस दल के नायक के हस्तक्षेप करने पर उसे बाद में छोड़ दिया गया।

(ग) जी हां। हमारे जिला अधिकारियों और राज्य सरकार ने पूर्व पाकिस्तान के जिला अधिकारियों और राज्य सरकार के पास विरोध-पत्र भेजे थे। भारत सरकार ने भी राजनयिक माध्यम से विरोध-पत्र भेजा है।

I shall read the answer in English also.

(a) and (b). Small groups of armed East Pakistan Rifles personnel trespassed into Indian territory in the village Bhatsala in the district of West Dinajpur on 23rd and 24th May, 1962, but withdrew as soon as a strong Indian Police contingent arrived on the scene. They kidnapped an Indian fisherman who was subsequently released upon the intervention of the

Officer-in-Charge of the Indian Police contingent.

(c) Yes, Sir. Protests were lodged by our District Officers, and the State Government, with their counterparts in East Pakistan, and also by the Government of India through the diplomatic channel.

श्री भक्त दर्शन : श्रीमन्, यह घटना २३ और २४ मई को हुई। मैं जानना चाहता हूं कि भारत सरकार की ओर से कब विरोध पत्र भेजा गया और पाकिस्तान सरकार ने उस का क्या उत्तर दिया है ?

श्री दिनेश सिंह : मैंने अभी अर्ज किया कि यह विरोधपत्र तीन जगह से दिये गये। जिला अधिकारियों ने और राज्य सरकार ने इसके बारे में फौरन विरोधपत्र भेजे। जैसे ही भारत सरकार को इसकी खबर मिली तो हम ने भी पाकिस्तान सरकार को विरोधपत्र भेज दिया है लेकिन अभी तक उसका कोई उत्तर नहीं आया है।

श्री भक्त दर्शन : श्रीमन् चूंकि इस तरह की घटनायें कुछ दिनों से बढ़ती चली जा रही हैं जिन से कि सीमावर्ती जनता के अन्दर आतंक फैलना स्वाभाविक है तो इस सम्बन्ध में क्या कुछ और कठोर कदम उठाने का विचार किया जा रहा है या कोई इस तरह के कदम उठाये गये हैं ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री तथा अणु शक्ति मंत्री (श्री जवाहरलाल नेहरू) : मैं तो नहीं समझता कि यह बढ़ती जाती हैं। मैं इनको बहुत खतरनाक नहीं समझता। यह बदतमीजी की बातें हैं जिनका कि इंतजाम काफी है।

Shri D. C. Sharma: Sir, Col. Bhattacharya was arrested by the Pakistan Government even when he was in the Indian territory.

Mr. Speaker: This question is about a particular incident that took place on a particular date.

Shri D. C. Sharma: The Indian territory is invaded—I am using the word 'loosely'—or the Indian territory is encroached upon by policemen from East Pakistan. Why is it that the West Bengal Police do not arrest those persons?

Shri Jawaharlal Nehru: The word 'invasion' is hardly correct in this sense; 'trespass' is the proper word. They came across the border, a few men. They trespassed and they were driven out. I do not know what the circumstances were, whether it is easily possible to arrest them. It may have led to a mutual firing match. I think it was a right thing to do, to drive them out.

श्री रामेश्वरानन्द : अनेक बार इस प्रकार की घटनाएं होती रहती हैं कि पाकीस्तान भारतीयों को पकड़ कर ले गये तो क्या कभी भारतीय भी उनको पकड़ कर लाये हैं ? क्या इसका उचित प्रबन्ध हो सकेगा कि भारतीयों को इस प्रकार अनाथों की तरह पकड़ कर न ले जाया जाय ?

श्री जवाहरलाल नेहरू : मैंने कहा अनेक बार ऐसी घटनाएं नहीं होती हैं। पहले से कुछ कम होती हैं। भारतीयों ने कभी उनको पकड़ा या नहीं मैं नहीं जानता लेकिन पाकिस्तान के अखबारों में कभी कभी यह लिखा जाता है कि भारतीय पाकिस्तानियों को पकड़ कर ले गये।

Shri Hem Barua: Sir, in view of the fact that kidnapping of Indians from Indian soil including the kidnapping of Col. Bhattacharya from our soil has almost become a regular matter with Pakistan, may I know whether Government propose to allow Pakistani vandalism to continue in our territory *ad infinitum*?

Shri Jawaharlal Nehru: I do not think it is a frequent occurrence now. This has occurred only in disputed territory, that is, chit-lands or others which the Pakistanis may claim as in their possession or some such dispute is there. It has occurred in the middle of the river where Pakistan says that it is Pakistan territory or Pakistan waters. I think they are lessening, and the more all these things are straightened out and the exact boundary defined, the less of it will happen.

श्री सरजू पाण्डेय : अभी प्रधान मंत्री जी ने बतलाया कि पाकिस्तान की तरफ से इस तरह की बदतमीजी हुई है, थोड़ी ही सही लेकिन हो रही है तो क्या कोई नया कदम सरकार इस बदतमीजी को ठीक से रोकने के लिये उठा रही है ?

श्री जवाहरलाल नेहरू : माफ कीजियेगा म समझा नहीं ।

अध्यक्ष महोदय : आप ने कहा कि ऐसी बदतमीजियां कई दफा होती है तो वह कहते हैं कि इन को बन्द करने के लिये क्या सरकार कोई नया कदम उठा रही है ?

श्री जवाहरलाल नेहरू : पुराना कदम काफी मालूम होता है ।

Nepal's Claim over a Portion of Forest in Bihar

+

*1545. **Shri Surendra Pal Singh**:
Shri Bagri:
Shri Shree Narayan Das:
Shri Yogendra Jha:
Shri P. C. Borooah:
Shri Bibhuti Mishra:
Shri K. N. Tiwary:
Shri Bhakt Darshan:
Shri Hem Barua:
Shri Prakash Vir Shastri:
Shri Nath Pai:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Government of Nepal have advanced some claim over a portion of Narsahi forest in Champaran district of Bihar; and

(b) if so, what reply has been sent to the Government of Nepal in this regard?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) and (b). It is true that the Government of Nepal lays claim to a small portion of Narsahi forest in Champaran district of Bihar. But this is not a new claim. This matter has been under correspondence between the Government of India and Bihar on one side and the Government of Nepal on the other for the past several years. No final reply has been sent to the Government of Nepal.

Shri Surendra Pal Singh: Has Nepal advanced similar claims elsewhere also?

Shrimati Lakshmi Menon: No, Sir.

श्री विभूति मिश्र क्या यह सही नहीं है कि यह जंगल अभी हम लोगों के कब्जे में है और हमारे कागज पत्तर से भी मालूम होता है कि वह हिन्दुस्तान का है तो क्या भारतसरकार ने नैपाल सरकार को ऐसी सूचना दी है कि कागज पत्तर में हमारा भाग है और हमारे कब्जे में है ?

श्री जवाहरलाल नेहरू : यह सवाल बहुत वर्षों से चला आ रहा है । आजादी के पहले से यह सवाल चला आ रहा है काफी पुराना सवाल है । हमारे कागज पत्तर में जो कुछ है वह हमारे हक में है उनके कागज पत्तर में कुछ और ही लिखा हुआ है । अब इसी बात पर बहस हुआ करती है । पुराना झगड़ा है, जरा से जंगल के हिस्से का सवाल है । वह इतनी अहमियत नहीं रखता है और हमें मिल कर तय कर लेना चाहिये कि वह इधर रहे या उधर ।

श्री भक्त दर्शन : अभी सरकार की ओर से बताया गया है कि नरशाही फारेस्ट पर नेपाल सरकार का कब्जा नहीं है, केवल दावा

है, जब कि बिहार की विधान परिषद् में वहां के मंत्री महोदय की ओर से कहा गया था कि उस पर दो साल से नेपाल का कब्जा है। इस सम्बन्ध में वास्तविक स्थिति क्या है, क्या इस पर प्रकाश डाला जायेगा ?

श्री जवाहरलाल नेहरू : मेरा खयाल है--ठीक मालूम नहीं है --कि कब्जा उन का नहीं है, लेकिन नेपाली लोगों ने आ कर उस जंगल से दरख्त काट लिये थे और इस पर बिहार सरकार ने एतराज किया था।

Shri Hem Barua: In view of the fact that the border between Nepal and our country is an intangible frontier, like US-Canada border, may I know whether Government propose to define this border so that Nepal cannot make this kind of claims any more?

Shri Lakshmi Menon: The border has been demarcated except in this portion of about fifteen miles of territory where it is a riverine border. There is negotiation going on between the two countries and there is likelihood of the problem being solved very soon.

Shri Nath Pai: Partially what she has stated toward the end has covered my question. Because of the impression that one country is trying to spread abroad that India can never solve her border disputes with any country and also in view of the fact that our relations with Nepal are very cordial, may I know what the Government is going to do to settle this, not through correspondence alone but perhaps by offering negotiations at a higher level?

Shri Jawaharlal Nehru: It is well known that we expect to solve it peacefully to the satisfaction of both parties. It is not quite correct to say that we have not solved any border disputes. We have solved any number of disputes with Pakistan.

श्री योगेन्द्र झा : कोसी योजना के अन्तर्गत जहां बैराज बन रहा है, वहां भी नेपाल और भारत के बीच में कुछ जमीन के सम्बन्ध में झगड़ा शुरू हुआ था कि वह नेपाल में है या भारत में। जैसा कि बिहार विधान सभा में बताया गया है, अभी नेपाल ने नरशाही वन पर दो वर्षों से कब्जा कर लिया है। मैं यह जानना चाहता हूं क्या नेपाल और भारत के बीच सीमा पर जमीन को ले कर इस तरह के और झगड़े हैं और अगर हैं, तो कितने हैं।

श्री जवाहरलाल नेहरू : मुझे मालूम नहीं कि सीमा पर कहीं कोई और झगड़ा हमारा नेपाल से हो। यह भी कोई लम्बा-चौड़ा झगड़ा नहीं है। कुछ बहस है थोड़ी बहुत।

Shri Tyagi: The hon. Minister has just now stated that the Government of India has not sent any reply to Nepal. I want to know the reason for this delay in sending a final reply when this quarrel or dispute has been going on for so many years in the past.

Shri Jawaharlal Nehru: The very fact that the dispute has been going on for generations shows that there is something complicated about it. It requires surveys adn other things and, I believe, some efforts are being made for a proper survey.

Shri Tyagi: Are we quite definite that the territory is ours? If so, why have we not communicated that?

Shri Jawaharlal Nehru: The hon Member should know that sometimes it is not very easy to do that. We think that it is our territory, a little bit here or a little bit there. It will depend upon surveys, revenue records and other things.

Appointment of Relatives of Directors in Companies

***1546. Shri A. K. Gopalan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) Whether it is a fact that the Department of Company Law Administration has issued a press-note calling for strict compliance with the provisions of the Companies Act, prohibiting relatives of directors from being appointed to offices or places of profit without a special resolution of the company;

(b) if so, whether a copy of it will be laid on the Table;

(c) whether in some Private Limited Companies relatives of directors have been appointed to offices or places of profit; and

(d) if so, the details thereof?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Yes; the press-note also dealt with cases of appointment of directors to offices or places of profit in their companies without a special resolution.

(b) Yes; a copy is laid on the Table of the House. [*See* Appendix IV, annexure No. 62.]

(c) Yes.

(d) The effort involved in the compilation of the details from the records of thousands of private companies will be hardly commensurate with the result likely to be achieved.

Shri A. K. Gopalan: May I know what prompted the Department of Company Law Administration to issue this note?

Shri Kanungo: Usually, the Company Law Administration believes in persuading the companies to observe the law. When the first lot of returns were received after the recent amendment of the Companies Act, it was found that there has been non-compliance with the law, which is of recent origin. Then the Company Law Administration issued a press-note so that the companies will take precautions.

Shri A. K. Gopalan: May I know how many violations of this law have come to their notice and what actions have been taken against them?

Shri Kanungo: As I have said, I cannot say it at present because there are thousands of companies. In course of time, when all the returns are analysed, we will know whether there are violations and, if so, to what extent.

Shri Nath Pai: Thousands of companies.... (*Interruption*)?

Shrimati Renu Chakravarty: Thousands of companies.... (*Interruption*)

Mr. Speaker: Order, order. There ought to be a definite question. Is the hon. Minister in a position to answer that question?

Shri Nath Pai: Are there thousands of companies or have there been thousands of violations of this regulation?

Shri Kanungo: There are thousands of companies.

Shri Nath Pai: What is the number of violations?

Shri Kanungo: About the violations, as I have tried to explain, we have got the statement by virtue of the law which was passed last year. The first lot has come and the analysis of it will take a long time. There have been very few cases which have come to our notice.... (*Interruption*).

Mr. Speaker: Order, order.

Shri Bade: That is a wrong statement..... (*Interruption*).

Shri Nath Pai: The preliminary impression is there.... (*Interruption*).

Mr. Speaker: I am coming to him again. He should sit down now.

Shri Bade *rose*—

Mr. Speaker: He must kindly resume his seat. I will give him an opportunity.

Shri Daji: I would like to know what action the Government is proposing to take, apart from this press note, against those companies which have evidently violated the Companies Act?

Shri Kanungo: Wherever we are satisfied that it is not due to *bona fide* rules, we will take to prosecution, that is, the normal course.

Shri Bade: Under section 340 of the Companies Act there are 8,400 directors who have employed 88,000 relators of theirs. Why is Government not taking action under section 340 of the Companies Act?

Shri Kanungo: I am sorry that I have not got the figures which the hon. Member has mentioned because the figures will not be available until the whole lot of returns are put in.

Shri Tyagi: Will the same rule apply to public sector projects where the directors are nominated by the Government and will it apply to other ministries as well?

Shri Kanungo: The question may not arise because though they are legally private companies the composition is such that the situation will not arise.

Shri Bhagwat Jha Azad: In part (d) of the answer the hon. Minister has said that efforts will harly commensurate with the result. May I know what other methods are open to the Government to know this when it is widely known that this rule is followed more in its breach than in its observance?

Shri Kanungo: I might say that it is not widely violated....

Shri Bhagwat Jha Azad: On what basis does he say that?

Shri Kanungo: ....because the law has come into force only for the past one year. The Government will get the figures when the whole lot of returns are turned in. They are bound to be turned in.

Mr. Speaker: Shri Tyagi.

Shri Bhagwat Jha Azad: When no enquiry is made, how does he say so?

Mr. Speaker: I have requested so many times that when I call a particular hon. Member, other hon. Members should not continue asking questions. Shri Tyagi.

Shri Tyagi: My question has not been amply replied to. My argument was that those public sector projects also are covered.

Shri Bhagwat Jhad Azad: Under the Companies Act every firm is compelled to send the return in which they have to furnish this information. I would like to know whether these companies are not submitting the returns to the Government so that they are not knowing these facts and are not telling them to us.

Shri Kanungo: The law was passed very recently.

Shri Bhagwat Jha Azad: It was there before also.

Shri Kanungo: No, it was not.

Mr. Speaker: The trouble, as he says, is that it was his argument. He should ask a question.

Shri Tyagi: This Art also applies to all registered companies. Public sector companies are also registered companies. So, how is it that they have been exempted? If so, by what order have they been exempted?

Shri Kanungo: They have not been exempted. It is not obvious because the 100 per cent. shareholder is the President and there is no case of any director's relatives being appointed.

Shri Nath Pai: The hon. Minister has been repeating that the law has been in force for just a year. Was it not the general practice before the law was promulgated to appoint relatives of directors for highly remunerative posts and was it not this fact which prompted the Company Law Administration to make this amendment?

Shri Kanungo: That will be obvious from the records of the debate in the House.

Shri Heda: From the reply of the hon. Minister it appears that he will find out the number of violations after the returns of these companies come in. If so, does the hon. Minister ex

pect that these people will mention in their returns the relations and where they have violated unless they have got very valid reasons?

Shri Kanungo: It is not a question of relations. There are various other factors, remuneration to directors and all that. Disclosure is one weapon which the Parliament has thought will have salutary effect on ethical management of companies.

Shri Hari Vishnu Kamath: The statement laid on the Table discloses a series of contraventions of Section 314 of different kinds. The directive of Government is dated the 3rd June, i.e., this month. Is the House to understand that this directive was issued after cases of so many violations of the Companies Act came to Government's notice, and if so, have some of the companies, at least, been admonished in this matter?

Shri Kanungo: As I mentioned earlier, the first batch of first year's returns are just coming in. When we came across these things we issued the directive so that it may serve as a warning to the companies to correct themselves. We do not believe in penal action always.

Shrimati Sarojini Mahishi: May I know whether this provision is made applicable even to those companies which existed prior to the introduction of this amendment to the Company law, or only to those companies which have come into existence subsequent to it?

Shri Kanungo: All companies.

Educational System in Goa

*1547. **Shri Nath Pai:** Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 737 on the 16th May, 1962 and state:

(a) whether the Committee apointed by Government to go into the Educational System in Goa has since submitted its report; and

(b) if so, what are the findings of the Committee and their recommendations?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) Yes, Sir.

(b) The report is still under the examination of the Government.

Shri Nath Pai: Has the Commission made any recommendation regarding the setting up of a separate university for Goa, and if so, what is its recommendation regarding the medium of instruction and the place of Marathi in the primary, secondary and university education?

Shrimati Lakshmi Menon: The whole matter is under consideration of Government. The Commission did make a number of recommendations. I do not think it made any recommendations for a separate university.

Shri Nath Pai: If the Government are still examining the report, till they are able to finalise their decision, what are the Government's instruction to the Lieut-Governor of Goa Administration regarding the medium of instruction in the primary schools and what place Marathi is being accorded?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I do not know what special instructions have been sent except the general instruction that the mother tongue should be the medium of instruction at the primary stages. There is an indication that the Konkani language should be encouraged not at the cost of any other language, but that being the general language in Goa it should be encouraged. Although it has no particular script of its own, probably the script adopted for it will be Nagari script.

Shri Hem Barua: May I know, Sir, if Government propose to maintain the *status quo* in education, so far as university education is concerned and if so whether Government propose to maintain the medium of instruction in the University stage Portuguese?

Shri Jawaharlal Nehru: I do not know what the hon. Member refers to. The *status quo* till recently was the Portuguese language.

Shri Hem Barua: Since the Portuguese language is the *status quo* and the medium of instruction at the university stage, do Government propose to maintain that?

Shri Jawaharlal Nehru: I am sorry I am still not clear what the hon. Member is driving at.

Shri Hem Barua: May I explain, Sir?

Mr. Speaker: He does not explain in one sentence. That is the difficulty. If he explains in one sentence, it will become very clear. He may put the question now.

Shri Hem Barua: May I know whether Government propose to maintain the *status quo* so far as higher education in Goa is concerned, which means whether Government propose to maintain the medium of instruction as it obtained in Goa for higher education?

Shri Jawaharlal Nehru: There were no institutions of higher education in Goa. People used to go either to Bombay or to Portugal. Obviously higher institutions may not have Portuguese as their medium of instruction, whatever other language they may have.

श्री प्रकाशवीर शास्त्री : जांच समिति की जिस रिपोर्ट पर अभी विचार किया जा रहा है जोकि उसने गोआ मे जो शिक्षा प्रणाली है, उसके सम्बन्ध में दी है, उसकी मूलभूत सिफारिशें क्या हैं, क्या सरकार यह बतलाने का यत्न करेगी ?

श्री जवाहरलाल नेहरू: "सरकार" मालूम नहीं क्या चीज है । मैंने तो उसे अभी नहीं देखा है, इस वास्ते जवाब नहीं दे सकता इसका ।

Shri Nath Pai: May I know from the Prime Minister—they had promised on the 16th May to give the details—the number of Marathi schools in Goa, and also whether Government are aware that it was the systematic policy of the Portuguese Government to persecute and destroy Marathi as the one symbol of the people of Goa of their link with India, and whether there is any change in this policy?

Mr. Speaker: Order, order.

Shri Nath Pai: Mr. Speaker, I am basing my question on the reports, and that is why I raised this question.

Shri Jawaharlal Nehru: I have not seen the report, as I have just said, and therefore I cannot answer about the report. I do not know what the Portuguese policy was; the Portuguese policy was not to encourage the languages here. Marathi is obviously going to be encouraged there, but at the same time, as I said, the Konkani language is also going to be encouraged.

Shri Nath Pai: May I give factual information that Goa has a number of Marathi schools? He has not answered that, as he stated, he does not know about it.

Mr. Speaker: Order, order.

Shri Hari Vishnu Kamath. In view of the fact that for the last four or five centuries, only Portuguese and Konkani were the major languages—if not the only languages—in Goa, is Government giving any thought to the issue of introducing any of the national languages of India—English is out of the question—so as to subserve the cause of integration of Goa with the rest of India?

Shri Raghunath Singh: That is Hindi.

Shri Jawaharalal Nehru: Obviously Marathi is the language that is spoken by a considerable number of persons, and Marathi will be encouraged. But, broadly speaking, we think that Konkani is the language of Goa, more than any other language—the spoken language. And, therefore, we feel that Konkani should be encouraged. But in

these matters we are going to draw no rigid line about it.

Shri Hari Vishnu Kamath: But unfortunately Konkani is not included in the Eighth Schedule to the Constitution.

Mr. Speaker: Order, order. I have requested so many times that hon. Members should not shoot up their questions without looking at me even.

Shri Hari Vishnu Kamath: It is not a question.

Mr. Speaker: It is a continuation of the same thing. If it is not a question, then it need not be answered. Dr M. S. Aney.

Dr. M. S. Aney: There is some trouble about the script also. The script that was used in the Portuguese time was the Roman Script. And instead of that the demand has been made by the people of Goa that the script should be Devanagari. Does Government contemplate to give effect to that?

Mr. Speaker: That he has said already. He said that the Devanagari script is going to be adopted.

Shri Jawaharlal Nehru: I said that is the present proposal, that for the Konkani language the Devanagari script was recommended.

Shri Nath Pai: May I ask the Prime Minister if he is aware that there is no such dichotomy between Konkani and Marathi and both the greatest Indian philologists, and also the Portuguese, have held them to be one—Dr. Gune and Dr. Bhandarkar?

Mr. Speaker: Order, order.

Shri Jawaharlal Nehru: I am not prepared to accept that statement.

Shri Nathi Pai: But certainly you respect them?

Shri Jawaharlal Nehru: Not at all, because I have seen that experts disagree about that. I am no expert, but all I can say is that experts, even doctors, disagree.

Shri Nath Pai: Certainly Bhandarkar and Gune, and Grearson and Cunha de Rivara are great philologists and they have said....

Mr. Speaker: Order, order. He should not continue like that. He is arguing.

Shri Nath Pai: I am putting a question.

Mr. Speaker: There was no question.

Shri Nath Pai: I want to know whether he sees any dichotomy in them.

Mr. Speaker: Next question.

Indians in Kenya

*1548. **Shri Ravindra Varma:** Will the **Prime Minister** be pleased to state:

(a) whether any memorandum has been received from civil servants in Kenya who are of Indian origin requesting Government of India to intercede with the British Government in favour of their efforts to obtain security of service conditions, compensation and pension in the new set-up emerging in Kenya; and

(b) if so, what action Government propose to take in this regard?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) No, Sir. However, Government is seized of this problem.

(b) Government of India have conveyed their views on the matter to the British Government.

Shri Ravindra Varma: Is the Government aware that the British Government has rejected the demand that the Asian non-designated civil servants in Kenya have made in respect of the conditions referred to in the question, while the Government has accepted similar demands made by the expatriate European civil servants? And, if so, has Government received or asked for any report from our Commission in Nairobi?

Shrimati Lakshmi Menon: Yes, we have reports from our Commission, and also during my recent visit to Kenya and Tanganyika I have myself interviewed the people concerned. The Government does make a difference between the designated and the non-designated civil servants; and in the case of the non-designated civil servants the majority of them are Asians. Therefore the compensation for loss of career is not given.

Shri Ravindra Varma: Has it come to the notice of the Government that the President of the Kenya Civil Services Association has characterised the treatment meted to Asian civil servants as "mental apartheid" and accused the British Government of "treating Asian civil servants with contempt" and if so, does the Government propose to take any action to ensure that civil servants of Indian origin are not discriminated against whether for instance the Prime Minister has any intention of raising this question either in informal or formal conservations at the time of the forthcoming Commonwealth conference?

Mr. Speaker: He is trying to bring in so many questions under one supplementary question.

Shri Ravindra Varma: It is one question.

Mr. Speaker: He reads a long statement first and then puts the question.

Shri Ravindra Varma: It is not a statement. I have submitted the question.

Shrimati Lakshmi Menon: As regards the second part, the Government of India have conveyed their views on the matter to the British Government. As far as the East African Union is conversations at the time of the forthcoming Commonwealth confer- citizens. We have taken up the matter.

Indian Immigrants to U.K.

†

*1549. **Shrimati Renuka Ray:**
Shri D. C. Sharma:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that persons holding genuine Indian passports have been held up by the Immigration Officers at London Airport;

(b) whether this has been brought to the notice of the U.K. Government; and

(c) if so, with what results?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) Two persons holding genuine Indian passports were held up by the Immigration Officers at the London Airport on the 22nd January, 1962, and the 29th May, 1962, respectively.

(b) Yes, Sir. The cases were brought to the notice of the U. K. Government.

(c) The persons concerned were finally permitted entry into the U.K. on the intervention by our High Commission.

Shrimati Renuka Ray: Is it a fact that one of these persons was kept for three days in a detention camp in spite of the fact that the Indian High Commission pointed out that he was a genuine Indian citizen holding a genuine passport?

Shri Dinesh Singh: One of them was kept in detention for some time. It was because his nationality was not clearly established at that stage. As soon as that was done, he was released.

Shrimati Renuka Ray: Is it a fact that the High Commissioner Shri Chagla has said that the treatment of Indians in this regard is still continuing to be bad and that they are still being harassed? The Indian High Commissioner made a statement that Indians are being harassed and that

in spite of assurance regarding the new Immigration laws, this is taking place.

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I do not think the statement of the High Commissioner has anything to do with this. On arrival at London, he was asked some questions by the press. He made some general remarks. Obviously, it did not have anything to do with his experience. He had arrived just at that minute. In this case, there was some defect in the passport in the Nationality column, and the Customs office seized that for not allowing them. After some little time, this was cleared by the High Commission and they allowed these persons.

Shri D. C. Sharma: I want to know whether this kind of detention, intentional or un-intentional, has got something to do with the Immigration Act that the U.K. has passed, making the entry of Indians more and more strict.

Shri Jawaharlal Nehru: One was a Goanese and perhaps the British Customs authorities were stricter. The other person had not even a passport in which England was included. I think he went from Rangoon with a passport to India. He used that to go to England. There was an irregularity. They seized hold of that irregularity.

Shrimati Renu Chakravartty: In view of the fact that now there will be strict control on entry of Indians into the U.K. after July 1st when the Immigration Act comes into force, may I know whether we will be amending our law also to insist on these visas for the British Commonwealth citizens?

Shri Jawaharlal Nehru: I do not know about amendment, but the draft law is going to come up before Parliament very soon, that is, of extradition etc.

Shrimati Renu Chakravartty: Not regarding extradition. My point is different. According to our citizenship law, there need not be visas for Commonwealth citizens. May I know whether we are going to introduce visas also for these people and enforce some sort of restriction on those coming from the U.K.?

Shri Jawaharlal Nehru: The same considerations do not apply here. Nobody comes here in large droves to seek employment.

Shrimati Renu Chakravartty: So many come to Calcutta. We shall show you how many British people are earning their livelihood there.

Shri Jawaharlal Nehru: That is all right. But I would not say that people are coming here to seek employment in as large numbers as people from India, and especially from the Punjab, went there to seek employment, without knowing the lauguage, without knowing anything, and creating a new problem there.

As a matter of fact, quite apart from immigration laws, we have been trying to stop this immigration as far as possible, because it brought India into disrepute, because nobody knew, the language or the customs there or the other things, and they were wholly ununderstood by the people there. I am not talking about all Indians, but I am talking especially of those people straight from certain villages in the Punjab who were going there, unaware of the ronditions of life there; and social problems were created. So, we discouraged this very much, and we decided that any person not knowing the language of the place should not go; that is one of the tests

Shrimati Renu Chakravartty: But the British people who come here do not know our languages; they do not know our conditions of life, and still they are coming here.

Shri Jawaharlal Nehru: That is all right. That is perfectly true, and we may have to consider that question which the hon. Member has raised, but it would be considered in a different context, not as a retaliatory measure.

Transmitter at Dharwar Station of A.I.R.

*1551. **Shrimati Sarojini Mahishi:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the work of installing a powerful medium wave transmitter at Dharwar Station of A.I.R. has been completed; and

(b) if not, the reasons therefor?

The Minister of Information and Broadcasting (Dr. B. Gopala Reddi): (a) No, Sir.

(b) Delay in obtaining possession of the site and inadequate response to calls for tenders for building construction work.

Shrimati Sarojini Mahishi: The hon. Minister of Information and Broadcastig had made a statement on the floor of this House on the 21st November, 1961 that the work of installing the medium-wave transmitter will be completed within a period of six to eight months. May I know whether any immediate steps will be taken to complete the work, and how long it will take for Government to complete the work?

Shri Sham Nath: The transmitter installation will be completed by June, 1963. The delay was due to there being inadequate response to the calls for tenders. Then, it was decided to award the work by means of a negotiated tender, which took some time, and, therefore there has been some delay.

Shrimati Sarojini Mahishi: In view of the fact that a short wave transmitter was brought to Dharwar and shifted to Kurseong, may I know whether Government are thinking of installing a short wave transmitter at anyone of the stations in the Mysore State?

Shri Sham Nath: As far as this station is concerned, the existing 1 k.w. medium wave transmitter, when replaced by the proposed one, will be used for radiating Vividh Bharati programme to provide an alternative channel of light programme. As regards other stations in the Mysore State, there is no information available with me at present.

Shri Sivamurthi Swamy: What will be the approximate cost of installation of this new medium wave transmitter?

Shri Sham Nath: The estimated cost is Rs. 8·94 lakhs against the sanctioned cost of Rs. 10 lakhs.

Rehabilitation of Refugees in Katihar, Bihar

*1552. **Shri Priya Gupta:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether Government are aware of the fact that a large number of refugees who were rehabilitated with Government loan at District Board Road No. 21, in Katihar, Bihar have been asked to vacate their shops;

(b) if so, whether Government have made any alternative arrangements to provide them with shops at other places in the same area; and

(c) if so, the details thereof?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) to (c). The information has been called for from the Government of Bihar and will be laid on the Table of the Sabha in due course.

Shri Priya Gupta: In the meantime, will the Government of India attempt to keep the shops as they are and see that they are not demolished until a reply is obtained from the Bihar Government?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): Unless we get information from the State Government about the nature of the land, and about the extent of the land and all that, I do not think that it will be proper on

our part to give a directive to the State Government.

Shri Priya Gupta: It is not a directive that I am suggesting. What I am praying for is this. Since this concerns the loans of the Rehabilitation Ministry, and since these people have been there for so many years in the shops just over there, and since there has been no emergency for the widening of this road and the other roads just now, can it not be prayed that they should be allowed to remain as they are? If the shops are demolished, it will be a great loss to them since it is their only source of livelihood and they will be displaced again. Therefore, I am suggesting that this request should be made from the Central Government.

Shri Vidya Charan Shukla: On a point of order. Is it in order for the Minister to say that the information is being collected, although the required notice was given by the hon. Member when it could be collected? Still the information is not forthcoming.

Mr. Speaker: Of course, it had been thought that this notice would be enough. But in some cases, it might become necessary to have a longer notice. The information sought from the State might not reach here within that time and in that case, the State might require a longer time. The Minister could only ask for information from the State and only when it is got, he can place it before the House.

Shri Priya Gupta *rose*—

Mr. Speaker: The Question Hour is over.

12.00 hrs.

SHORT NOTICE QUESTIONS

Employees of the Indian trade Agency at Yatung

S. N. Q. 19. Shri Hari Vishnu Kamath: Will the **Prime Minister** be pleased to state:

(a) whether the Chinese authorities in Tibet have arrested some persons employed in the Indian Trade Agency at Yatung;

(b) if so, how many; and

(c) the reasons therefor?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) Yes, Sir.

(b) he following arrests were made by the Chinese at Yatung on the night of 4th June 1962:—

(1) 2 local employees of our Trade Agency at Yatung and 4 members of their families;

(2) Wives of 2 other local employees at Yatung;

(3) Tibetan wife of an India protected person (Sikkimese) employed at Yatung.

(c) It seems that the persons mentioned were arrested as they were trying to escape to India.

Shri Hari Vishnu Kamath: Have all the three trade agencies of India, at Yatung, Gyantse and Gartok, been closed since the 1954 trade agreement lapsed?

Shrimati Lakshmi Menon: Yes.

Shri Hari Vishnu Kamath: Is it a fact that there was a large number of Tibetan empolyees in the three Indian trade agencies at Yatung, Gyantse and Gartok? If so, is it a fact that most of the Tibetan employees have been arrested and deported to unknown destinations and Indians among the employees have been insulted and humiliated beyond measure by the Chinese authorities in Tibet?

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I have not heard of any particular insult being offered to the Indian employees....

Shri Hari Vishnu Kamath: It was in the papers.

Shri Jawaharlal Nehru: As the Tibetan employees were being considered as Chinese citizens, possibly pressure was brought to bear upon

them. A member of them disappeared from the Indian Missions at Gyantse and..

Shri Hari Vishnu Kamath: Gartok.

Shri Jawaharlal Nehru: Not Gartok, but Yatung. In Gartok, there was no permanent Mission. It was wandering.

Shri Nath Pai: Disappeared or kidnapped?

Shri Jawaharlal Nehru: A number of them disappeared. The Chinese authorities demanded an explanation form the Indian Mission as to where they had gone. It is evident, or one can presume, that they had disappeared because they wanted to escape possiblly to India or any other place. We know nothing about it. They simply disappeared. One, I am reminded by my hon. colleague, committed suicide. That is what happened.

In regard to the wives of the other employees, they also, according to Chinese law, are Chinese citizens. It is possible that they might be allowed to come to India with their husbands, but, according to the Chinese again, only after they have admitted that they are Chinese, and had got the requisite papers etc. and taken permission. They do not not automatically accompany their husbands.

Shri Nath Pai: Is it not a well-established international convention that when such missions—are closed, their staff, whatever the nationality, are accorded safe conduct to destinations of their choice? If so, has not China violated that convention in arresting these personnel?

Shri Jawaharlal Nehru: I do not know who they have arrested yet, but I am not sure about the international convention about people of the same nationality. I am not sure of that at all. Of course, people ought to be accorded every facility to go away, but where the people belong to the country where the mission is situated, they are of that nationality, then it is doubtful what the rights and wrongs are.

Shri Hem Barua: May I know whether Government have lodged any protest with China over these unhappy incidents; if so, whether the Government expect a reply from China calling us liars again?

Mr. Speaker: Order, order.

Shri Hem Barua: They will call us liars.

Mr. Speaker: They may call that, but this is not the question.

Shri Hem Barua: In "China Today", in the 24th issue they have done so.

Mr. Speaker: Unnecessarily he is putting in some adjectives and making inferences that are not warranted. During the Question Hour at least that should not be done.

Shri Nath Pai: May I ask one thing, arising out of the reply he gave? It is quite true that a country has the right to arrest its own nationals, but it is customary to hand over a list of persons whom we regard as part of the staff and in that case they are covered by immunity too. May I know from the Prime Minister whether these persons were covered by such immunity or not?

Shri Jawaharlal Nehru: I do not think all of them were covered. Usually there are two or three lists. One is that of diplomatic immunity. In any country, all our staff is not covered by immunity. Out of the Indian staff, some have diplomatic immunity, the others are just staff, they do not have diplomatic Immunity. Thirdly, local people who are engaged are not covered at all by any immunity.

Shri Hari Vishnu Kamath: Has Government received any report, or is there any evidence to show, that the action taken by the Chinese authorities in Tibet is part of a set policy on their part to liquidate Tibetan friends of India and squeeze the last Indian out of Tibet?

Shri Jawaharlal Nehru: Which action does the hon. Member refer to?

Shri Hari Vishnu Kamath: These arrests made.

Shri Jawaharlal Nehru: I do not know if a single arrest has been made. I do not know if any arrests have been made.

Shri Hari Vishnu Kamath: That is what I had asked in the previous question, whether there had been any arrests.

Shri Jawaharlal Nehru: The hon. Member repeatedly refers to arrests. I do not know of any arrests in this connection.

Shri Hem Barua: On a point of personal explanation, Sir.

Mr. Speaker: I am sorry.

नर्मदा वैली अथारिटी के प्रधान के रूप में श्री एच० एम० पटेल की नियुक्ति

S.N.Q. १६-ए. श्री प्रकाशवीर शास्त्री : क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि क्या यह ठीक है कि श्री एच० एम० पटेल को जोकि मूंदड़ा कांड से सम्बन्धित थे हाल में ही लगभग ४१ करोड़ रुपये की लागत की एक योजना को कार्यान्वित करने के उद्देश्य से नर्मदा वैली अथारिटी का मुखिया नियुक्त कर दिया गया है ?

वैदेशिक-कार्य मंत्रालय में उपमंत्री (श्री दिनेश सिंह) : महाराष्ट्र, राजस्थान, मध्य प्रदेश और गुजरात सरकारों के प्रतिनिधियों के साथ १२ फरवरी १९६२ को हुई बैठक में यह सुझाव रखा गया था कि नर्मदा वैली अथारिटी का निर्माण किया जाना चाहिये। इस प्रस्ताव के सब पहलुओं पर, सम्बन्धित सरकारों के परामर्श से, जांच-पड़ताल करने के उद्देश्य से, श्री एच० एम० पटेल को विशेषाधिकारी नियुक्त किया गया है। वे इस योजना एवं उस अथारिटी, जोकि बनाई जानी है, के विस्तार की सीमा निकालेंगे, तथा उस विधान की आवश्यक रूपरेखा के बारे में सुझाव देंगे, जोकि प्रस्तावित नर्मदा वैली अथारिटी के निर्माण किये जाने के लिये बनाना पड़ेगा। वे अवैतनिक तौर पर काम करेंगे और केवल सफर व्यय तथा रिपोर्ट तैयार करने पर हुए अन्य वास्तविक अखराजात मात्र ही लेंगे।

I shall read in English also.

At a meeting held on the 12th February 1962 with the representatives of the Governments of Maharashtra, Rajasthan, Madhya Pradesh and Gujarat, it was suggested that Narmada Valley Authority should be set up. In order to examine this proposal in all its aspects in consultation with the Governments concerned, Shri H. M. Patel has been appointed Officer on Special Duty. He will work out the details of this scheme and the Authority to be set up and also to suggest necessary lines of legislation that will have to be undertaken to establish the proposed Narmada Development Authority. He will work in an honorary capacity and will only charge travel and other actual expenses incurred by him in preparing the report.

श्री प्रकाशवीर शास्त्री : श्रीमन्, मेरे हाथ में १४ फरवरी का हिन्दुस्तान टाइम्स का अंक है। इस में छागला कमिशन का अपना निर्णय मूंदड़ा कांड के सम्बन्ध में है। मैं इस की ओर ध्यान आकर्षित करते हुए सरकार से यह जानना चाहता हूं कि जब छागला कमिशन ने मूंदड़ा कांड के सम्बन्ध में श्री एम० एम० पटेल को मुख्य रूप से दोषी ठहराया था और सरकार ने उनको कम्पलसरी रिटायरमेंट दिया था तो ऐसी स्थिति में साढ़े ४१ करोड़ की लागत से बनने वाले नर्मदा प्रोजेक्ट का विशेष अधिकारी नियुक्त करना, क्या सैंट्रल गवर्नमेंट में श्री एम० एम० पटेल को लेने के लिये यह पहला कदम उठाया जा रहा है ?

श्री जवाहरलाल नेहरू : माननीय सदस्य जो पुरानी बात को उठाते हैं तो उस से इसका कोई खास सम्बन्ध नहीं है । इसके अलावा मैं माननीय सदस्य को बतलाऊं कि इस ऐपायन्टमेंट में केन्द्रीय सरकार का कोई खास हाथ नहीं है । मुझे पहली दफा यह बात तब मालूम हुई जब माननीय सदस्य का यह सवाल आया । उनके पहले मुझे कुछ मालूम नहीं था । कुछ रोज हुए श्री एच० एम० पटेल गुजरात एजुकेशनल बोर्ड के आनरेरी चेयरमैन मुकर्रर हुए थे । वर्ष दो वर्ष की बात है । इस हैसियत से उनको एक स्पेशल आफिसर बनाया था । उन से कहा गया है कि तीन महीने में वह अपनी रिपोर्ट पेश करें । एक आरजी बात है । अब उनको मुकर्रर करने की जिम्मेदारी उन चार राज्यों की है जिनके कि नाम पढ़े गये—महाराष्ट्र, राजस्थान, मध्य प्रदेश और गुजरात

श्री प्रिय गुप्त : ऑन ए पाइंट ऑफ आर्डर सर । प्राइम मिनिस्टर साहब ने अभी बतलाया कि प्राविंशियल गवर्नमेंटस से हमारा कोई ताल्लुक नहीं है । अब नर्मदा वैली एथारिटी में जो उनको आफिसर ऑन स्पेशल ड्यूटी नियुक्त किया गया है तो इस प्रोजेक्ट में कितनी फीसदी रुपया सैंट्रल गवर्नमेंट से दिया जा रहा है और अगर सैंट्रल गवर्नमेंट का रुपया उसमें है तो फिर उसके प्रोमीज्योर और ऐपायन्टमेंट वगैरह में सैंट्रल गवर्नमेंट का हाथ रहना चाहिये या नहीं ?

Mr. Speaker: Where is the point of order?

Shri Priya Gupta: The Prime Minister said that he could not do anything. I say he can do.

Mr. Speaker: There is no point of order.

Shri Priya Gupta: Yes, Sir; there is a point of order.

Mr. Speaker: When there is a difference of opinion between him and myself who will decide? I say there is no point of order and he says there is.

Shri Priya Gupta: How does the Prime Minister say that he cannot do anything?

Mr. Speaker: Order, order. I have not allowed him to put that question.

श्री प्रकाशवीर शास्त्री : श्रीमन्, क्या मैं जान सकता हूं कि जैसे प्रधान मंत्री जी ने अभी बतलाया कि गुजरात स्टेट इलेक्ट्रिसिटी बोर्ड ने उनको साल दो साल पहले अपना चेयरमैन नियुक्त किया था, अब जब केन्द्रीय सरकार ने कम्पलसरी रिटायरमेंट दे दिया, कम्पलसरी रिटायरमेंट एक प्रकार की सजा ही होती है तो ऐसी स्थिति में क्या प्रान्तीय सरकारों और केन्द्रीय सरकार में आपस में कोई श्रंखला नहीं रहती कि जिस व्यक्ति को यहां दोषी समझ कर हटाया गया उसको प्रान्तीय सरकार अपने यहां इतनी जिम्मेदारी का पद दे ? मैं जानना चाहता हूं कि क्या प्रान्तीय सरकार ने उनको ऐपायन्ट करने से पहले केन्द्रीय सरकार से इस बारे में कुछ परामर्श किया था ?

श्री जवाहरलाल नेहरू : हम से कोई परामर्श या सलाह नहीं ली गई थी । शायद हो सकता है कि कुछ उस मिनिस्ट्री से ली हो जिसका कि सम्बन्ध बिजली वगैरह से है । लेकिन मुझे इल्म नहीं है। मेरे सामने यह बात नहीं आई थी ।

Shri Nath Pai: Is it the general policy of the Government of India to extend clemency and rehabilitate all those who came to be incurring some kind of a responsibility for what is known as the Mundhra affair?

Shri Jawaharlal Nehru: No, Sir.

Shri Nath Pai: In a limited way?

Shrimati Renu Chakravartty: I want to know whether there is any procedure whereby officers who have been found guilty or have incurred some displeasure from the State Government are not taken on to the Central Government and *vice versa*. Is there any such procedure laid down

whereby this will not happen in appointments, etc.?

Shri Jawaharlal Nehru: Normally this kind of thing does not happen. But speaking from memory, in the case of those enquiries there were such contradictory reports, each subsequent report deciding in a manner against the decision of the previous one. The last report was that of the Union Public Service Commission. It went up before them because it was a question of the services of some people and I think, as far as I remember, that report was rather in favour of Shri H. M. Patel and they refused to take strong action against him.

Shri Harish Chandra Mathur: May I know if the hon. Prime Minister remembers that the Home Minister disagreed with the report of the Union Public Service Commission and charged Shri H. M. Patel with gross abuse of power. If it is so, may I know if the Government have revised their view in this matter? Do they realise how demoralising effect it has—I mean such appointments—on the public morale?

Shri Jawaharlal Nehru: I do not remember, but if the hon. Member says so—that the then Home Minister expressed his opinion—it must be true. That is why presumably the Government of India took some action in this matter. But, as I said, this has been done not, to my knowledge, with any reference to the Government of India. I knew nothing about it. I would point out, although it may not be desirable or undesirable, that it is a three months' enquiry which has been entrusted to him. He has to submit his report in three months' time.

श्री भक्त दर्शन : श्रीमन्, मैं यह जानना चाहता हूं कि श्री एच० एम० पटेल की अस्थाई नियुक्ति जो केवल तीन महीनों के लिये हुई है तो क्या प्रधान मंत्री जी इस तरह का आश्वासन देने को तैयार हैं कि स्थाई नियुक्ति के समय उनके पहले के मामले को ध्यान में रखते हुए उन के नाम पर बिलकुल विचार नहीं किया जायेगा ?

श्री जवाहरलाल नेहरू : तीन महीने के लिये मैं ने कहा कि नियुक्त हुई है । उनको आफिसर आन स्पेशल ड्यूटी नियुक्त किया गया है और उनसे कहा गया है व तीन महीने के अन्दर अपनी रिपोर्ट दे दें । अब तीन महीने के चार महीने हो जायें मैं कुछ नहीं कह सकता ।

श्री भक्त दर्शन : मेरे प्रश्न का मतलब यह था कि जब स्थाई कंट्रोल बोर्ड की नियुक्ति होगी तब क्या इस बात का ध्यान रक्खा जायेगा कि ऐसे व्यक्तियों को नियुक्त न किया जाये ?

श्री जवाहरलाल नेहरू हम ने उस बोर्ड को बनाया नहीं है मैं आप से क्या कहूं । लेकिन जो कुछ आप यहां पार्लियामेंट में कहते हैं वह उनके कानों तक जरूर पहुंच जायेगा ।

Several Hon. Members *rose*—

Mr. Speaker: I do not think there is any more to be asked about it.

Shri Harish Chandra Mathur: It is a very important matter which affects public morale.

Mr. Speaker: It cannot be discussed here.

Shri Harish Chandra Mathur: We are not discussing it. (*Interruption*).

Mr. Speaker: I have allowed about ten questions. Hon. Members should realise that if they want to continue this, that will take up the time of the House.

Shri Harish Chandra Mathur: We want a discussion separately.

Mr. Speaker: Order, order.

WRITTEN ANSWERS TO QUESTIONS

Insurance Companies in Goa

***1553. Shri Ram Ratan Gupta:** Will the **Prime Minister** be pleased to state:

(a) whether Government have decided to take over the liabilities of the Insurance Companies in Goa; and

(b) if so, the reasons for the same?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) and (b). The Government have decided that policies issued by Portuguese Insurance Companies will be serviced in future by the Life Insurance Corporation of India. This decision was taken in order to avoid hardship to the citizens of the Union Territory in view of the stoppage of the services offered by the Portuguese Companies.

Indian Traders in Tibet

*1554. **Shri Hem Raj:** Will the **Prime Minister** be pleased to state:

(a) whether Government propose to assess the amount of assets which have been left by the Indian traders in Tibet due to the lapse of the Indo-Tibetan Trade Agreement on 2nd June, 1962;

(b) the number of the traders who have been so affected, State-wise;

(c) the steps which Government propose to take for the realisation of these assets of the Indian traders; and

(d) the steps Government propose to take either to compensate or rehabilitate those traders who have been ruined due to it?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) Yes, Sir; Government are taking steps to obtain accurate details about assets left behind in Tibet by Indian traders.

(b) The number of traders affected by the termination of trading facilities is as follows:—

Jammu & Kashmir	—	about 500
Punjab	—	about 750
Himachal Pradesh	—	about 200
Uttar Pradesh	—	about 2000
West Bengal	—	about 150

These figures include customary and petty traders. These traders are not all wholly dependent on trade with Tibet.

(c) Government have repeatedly urged the legitimate interests of our traders with the Government of People's Republic of China. These efforts have not met with much success. However Government will continue to urge the Chinese authorities to permit our traders to dispose of their trade goods in Tibet and repatriate their assets to India.

(d) There is no proposal to compensate these traders but the State Governments concerned are taking necessary steps to rehabilitate traders deprived of their traditional occupation. Several development schemes are envisaged to provide gainful employment to these persons.

Building for Defence Headquarters

*1555. **Shri D. C. Sharma:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that town planners in the Capital are dismayed by Government's decision to go ahead with the construction of a Defence Headquarters building near South Block and have sought intervention of Prime Minister in this regard; and

(b) if so, the reaction of Government thereto?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) and (b). The Institute of Town Planners, India have made a representation to the Prime Minister against the construction of the proposed building. The points raised by the Institute are under examination.

Negotiations with South Africa on People of Indian Origin

*1556. **Shri Maheswar Naik:**
Shri P. C. Borooah:

Will the **Prime Minister** be pleased to state:

(a) whether India has started correspondence with South Africa expressing readiness to negotiate on the question of the treatment of the people of Indian and Pakistani origin in the latter country; and

(b) whether Government of India have received any gesture of willingness on the part of South African Government to enter into such negotiations in accordance with the U.N. General Assembly resolution?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) Yes Sir. In accordance with the resolution adopted by the United Nations General Assembly on the 28th Novebmer, 1961, we have expressed, to the Government of the Republic of South Africa, our readiness to enter into negotiations with that Government on the question of treatment of people of Indian origin in South Africa.

(b) No Sir. Not so far.

Coal Mining by West Bengal Government

*1557. **Shri M. K. Kumaran:** Will the Minister of **Planning** be pleased to state:

(a) whether it is a fact that West Bengal Government have submitted to Planning Commission a proposal to undertake its own coal-mining in order to ensure steady supply of coal to the coal-based industries in the State;

(b) if so, the main features of the proposal; and

(c) whether this proposal has been considered by Planning Commission?

The Minister of Planning and Labour and Employment (Shri Nanda): (a) to (c). The Chief Minister, West Bengal, has made some proposals to the Government of India and the matter is still under discussion between the Government of West Bengal and the Government of India.

Export of Iron Ore from Goa

*1558. **Shri A. K. Gopalan:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that representatives of the Goa Mine Owners met the Minister of International Trade and other officials of the Ministry in Delhi recently;

(b) if so, whether it is a fact that the long term policy for exports of iron ore from Goa was discussed; and

(c) if so, the details of the assurances given by Government to the delegation?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) Yes, Sir.

(b) and (c). The delegation of mine-owners of Goa raised matters relating to export trade including approval of contracts and fixation of prices. The following were some of the decisions reached:

(1) There could be no objection to the exporters continuing to enter into long term commitments for export.

(2) Prices in respect of these contracts will, however, be negotiated only for a period upto three years. If the contracts were for a period longer than three years, fresh negotiations should be conducted in regard to prices.

(3) The Government will fix prices every year for different grades. Contracts should be entered into at prices not lower than those fixed by the Government.

Prefabricated Houses Pilot Project

*1559. **Shri Hari Vishnu Kamath:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether Government have decided upon a pilot project for prefabricated houses;

(b) the reasons therefor; and

(c) the details of the scheme?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) No.

(b) and (c). Do not arise.

Film about Mahatma Gandhi

*1560. **Shri Ram Ratan Gupta:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether Government have gone through the stills of the film about Mahatma Gandhi being filmed in London; and

(b) if so, the reaction of the Government thereto?

The Minister of Information and Broadcasting (Dr. B. Gopala Reddi): (a) and (b). So far only a few pictures in the Press alleged to be from the film "Nine Hours to Rama" being produced by Messrs. Red Lion Films Limited, London have come to the notice of Government. There can be no question of forming any opinion about the film on their basis.

Export of Shoes and Handicrafts to Soviet Union

*1561. **Shri D. C. Sharma:**
Shri P. C. Borooah:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the State Trading Corporation has finalised deals for the export of shoes and handicrafts to the Soviet Union; and

(b) if so, the details thereof?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Orders for export of shoes worth Rs. 65 lakhs and for handicrafts worth Rs. 13 lakhs have been placed on S.T.C.

Planning Board in Jammu and Kashmir

*1562. **Shri Hari Vishnu Kamath:** Will the Minister of **Planning** be pleased to state:

(a) whether Government of Jammu and Kashmir have decided to establish a Planning Board for that State; and

(b) if so, whether it will function independently of Planning Commission?

The Minister of Planning and Labour and Employment (Shri Nanda): (a) The matter is under consideration of the Government of Jammu and Kashmir.

(b) Does not arise.

Documentaries on Health Programmes

3423. **Shri Ulaka:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number of documentary films produced so far on various health programmes since 1957;

(b) whether the documentary film on malaria eradication has been completed; and

(c) if so, when it would be exhibited to the public?

The Deputy Minister in the Ministry of Information and Broadcasting (Shri Sham Nath): (a) 21.

(b) No, Sir.

(c) Does not arise.

Paper Mill at Ghazipur in U.P.

3424. **Shri Sarjoo Pandey:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government of Uttar Pradesh has made any recommendation for the grant of licence for starting a paper mill at Ghazipur in U.P.; and

(b) if so, whether it has been sanctioned?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Nityanand Kanungo): (a) and (b). M/s. Anand Paper Manufacturing Company have been granted a licence

for establishing a paper mill in Ghazipur.

Slum Clearance in Uttar Pradesh

3425. Shri Sarjoo Pandey: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of towns where the slum clearance schemes have been extended in Uttar Pradesh;

(b) number of houses built so far under the schemes from 1st July, 1961 up-to-date; and

(c) the contribution made by the Centre from 1st July, 1961 up-to-date?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) Five.

(b) 423 houses were built during the period from 1st July, 1961 to the 31st March, 1962. Another 1,428 houses were under construction as on the 1st April, 1962.

(c) Out of a total expenditure of about Rs. 30·98 lakhs incurred under the Scheme between 1st July 1961 and 31st March, 1962, the contribution from the Central Government would be Rs. 23·23 lakhs.

Workers' Education Centres in U.P.

3426. Shri Sarjoo Pandey: Will the Minister of **Labour and Employment** be pleased to state:

(a) how many workers' education centres have been started in U.P. State during 1957-58 to 1961-62;

(b) the names of the places where they have been started; and

(c) the nature of the education that is imparted at these centres?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) and (b): One Regional Workers' Education Centre at Kanpur was set up in 1958-59. Sixty-two unit level classes were functioning under it at the end of 1961-62.

(c) Primarily training in trade union methods and philosophy and the rights and duties of workers.

Industrial Estates in Maharashtra

3427. Shri Mantri: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of industrial estates which were proposed to be set up in the Marathwada region of the State of Maharashtra during the Second Five Year Plan;

(b) the number of those which have started functioning and the reasons for delay in the work of other industrial estates; and

(c) when the work of remaining Estates would be completed?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Two.

(b) and (c). The land acquisition proceedings etc. in the initial stages took time in respect of both these industrial estates. The construction work of common facility centre of the industrial estate at Nanded has started and the construction work of the industrial estate at Parli-Vaijnath has not yet started.

महाराष्ट्र में औद्योगिक बस्तियां

३४२७. श्री मंत्री : क्या **वाणिज्य तथा उद्योग** मंत्री यह बताने की कृपा करेंगे कि :

(क) द्वितीय पंचवर्षीय योजना में मराठावाडा क्षेत्र (महाराष्ट्र राज्य) के लिये कितनी औद्योगिक बस्तियां निर्धारित की गयी थीं ;

(ख) इन में से कितनी काम आरम्भ कर चुकी हैं तथा अन्य के काम में विलम्ब के क्या कारण हैं ; और

(ग) शेष का काम कब पूरा हो सकेगा ।

वाणिज्य तथा उद्योग मंत्रालय में उद्योग मंत्री (श्री कानूनगो) (क) जी हां ।

(ख) तथा (ग) इन दोनों औद्योगिक बस्तियों के लिये आरम्भ में भूमि प्राप्त करने की कार्रवाई इत्यादि में काफी समय लग गया । नांदेड़ की औद्योगिक बस्ती के सामान्य सुविधा केन्द्र का निर्माण कार्य शुरू हो गया है । पार्ली-वैजनाथ की औद्योगिक बस्ती का निर्माण कार्य अभी शुरू नहीं हुआ है ।

Export of Frogs

3428. Shri M. K. Kumaran: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of frogs exported from Kerala during the last three years and the value thereof; and

(b) the countries to which this commodity is being exported?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b): Exports of frogs are not separately recorded in the Monthly Statistics of the Foreign trade of India.

Educated Unemployed in Kerala

3429. Shri M. K. Kumaran: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether Centre has sponsored any scheme to tackle the problem of unemployment of the educated in Kerala State during the Second Five Year Plan period and in the Third Five Year Plan; and

(b) if so, the details thereof?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) and (b): The various development schemes under the Plans are designed to improve the employment position of educated as well as other employment seekers. With a view to assisting the educated unemployed persons to equip themselves to seek and take advantage of avenues of employment other than white-collar jobs, Work and Orientation Centres were started on a pilot basis at a number of places, including one in Kerala, during the Second Plan. In these Centres, instruction was given to the trainees in technical trades as well as elementary business management with a view to enabling them to become small entrepreneurs. In addition the trainees were also offered vocational counselling. However, experience of these Centres showed that such training needed to be given to only those persons who were interested in it and it was therefore considered that separate Centres were not necessary. It was therefore decided to integrate these Centres with the Craftsmen Training Scheme.

The question of making suitable alternative arrangements for imparting training in business management, accounts etc. to those of the trainees in the Industrial Training Institutes who are otherwise qualified and desirous of receiving such training is at present under consideration.

Loan for Construction of Houses in Orissa

3430. Shri Ulaka: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of applications received so far from Central Government servants in Orissa for house building advances from 1st January, 1961 to 31st March, 1962;

(b) the number of such applications approved by Government during the aforesaid period; and

(c) the total amount of loan given to Central Government servants in Orissa during the aforesaid period?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) 54.

(b) 52.

(c) Loans aggregating to Rs. 2·49 lakhs were approved for construction of 52 houses. The loan is disbursed in instalments at different stages of construction; hence the actual amount drawn by the Government Servants depends on the progress made by them in the construction of their houses.

Development of Sericulture in Orissa

3431. Shri Ulaka: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any financial assistance was given by Government to the Orissa Government for the development of sericulture during 1961-62;

(b) if so, the details thereof; and

(c) the amount proposed to be given during 1962-63?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Yes, Sir.

(b) Grant-in-aid—Rs. 0·64 lakh.

Loan—Rs. 1·07 lakhs.

(c) An outlay of Rs. 1·93 lakhs has been fixed for the development of Sericulture Industry in Orissa during 1962-63. The quantum of central assistance will depend on the expenditure incurred by the State Government during the financial year.

Handicrafts Industry in Orissa

3432. Shri Ulaka: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have any proposal from Orissa Government for giving assistance to handicraft industries in the State during 1961-62 and 1962-63;

(b) if so, the details thereof; and

(c) the action taken or proposed to be taken by Government?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) to (c). Under the existing procedure, funds are allocated to the State Governments for the development of various industries including handicrafts, on the basis of the Annual Plans submitted by them every year Financial assistance is sanctioned to them towards the end of the year on the basis of expenditure actually incurred by the State Governments, within the prescribed allocations. Accordingly, a sum of Rs. 6 lakhs was allocated to Orissa Government for handicrafts for the year 1961-62. On the basis of the actual expenditure incurred by them, a grant of Rs. 1·35 lakhs and a loan of Rs. 2·26 lakhs have been sanctioned as Central Assistance for that year.

Similarly, a sum of Rs 4·14 lakhs has been allocated to Orissa Government for the development of handicrafts during the year 1962-63. Financial assistance will be sanctioned to them on the basis of the actual expenditure, in due course.

Import of Scrap ships for Breaking

3433. **Shri Narasimha Reddy:**
Shri P. K. Deo:
Shri Kapur Singh:
Shri Tan Singh:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Indian ship-scrapers have urged the formulation of an import policy permitting the import of unserviceable foreign ships to the tune of 2 lakh gross tons per annum for breaking; and

(b) whether it is the intention of Government to formulate a regular policy permitting the import of scrap ships in consideration of the immense benefit the development of shipscraping industry will confer on the national economy?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) According to the policy already formulated applications for import of old ships for breaking up purposes are considered on merits of each case, provided the possibility of earning foreign exchange by exports of resultant scrap and material so as to result in a net earning of foreign exchange, is conclusively established to the satisfaction of the Chief Controller of Imports and Exports.

Payment of Provident Fund

3434. Shri Shree Narayan Das: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether Government have taken decision on the proposal for immediate payment of total provident fund dues to outgoing employees or their nominees even when the employers have not paid their contribution in full coming under the Employees' Provident Fund Scheme; and

(b) if so, the precise nature of decision taken?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) Yes.

(b) It has been decided to pay in one lump sum the entire amount of "balance due" in all such cases, subject to other provisions of the Employees' Provident Funds Scheme, 1952. Necessary orders in this regard have been issued.

U.N. Statistical Commission Meeting

3435. Shri Shree Narayan Das: Will the **Prime Minister** be pleased to state:

(a) whether India participated in the meeting of the U.N. Statistical Commission held recently in New York; and

(b) if so, the constitution of the delegation?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Yes, Sir. India participated in the 12th Session of the U.N. Statistical Commission held at New York from April 24 to May 10, 1962.

(b) The Indian delegation consisted of Prof. P.C. Mahalanobis, Honorary Statistical Adviser to the Cabinet and Shri P. C. Mathew, Director, Central Statistical Organization.

Small Scale Industries Board in West Bengal

3436. Shri Subodh Hansda:
Shri S. C. Samanta:
Shri B. K. Das:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the proposal to set up Small Scale Industries Board in West Bengal has been approved by Government;

(b) if so, whether it has been formed;

(c) whether it has started its work; and

(d) whether any suggestion for solving various problems in small scale industry has been put forward to the Central Government?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) to c). The Government of West Bengal have set up a Small Scale Industries and Handicrafts Coordination Committee which has been working since November, 1957. No approval of the Government of India is necessary for the setting up of this Committee.

(d) No specific problems relating to Small Scale Industries have so far been received from this Committee by the Government of India.

Amount Spent by States During First Year of Third Plan

3437. **Shri Vasudevan Nair:**
Shri Warior:
Shri Maheswar Naik:

Will the Minister of **Planning** be pleased to state:

(a) how much money was set apart for the various States to be spent during the first year of the Third Five Year Plan and how much of it was spent by each State;

(b) whether the Planning Commission made any review of the performance of the various States in the first year of the Third Plan;

(c) if so, whether they have communicated that to the State Governments; and

(d) whether Planning Commission propose to devise ways and means to overcome impediments in way of achieving targets?

The Minister of Planning and Labour and Employment (Shri Nanda): (a) A statement showing the Plan outlays in States budgets of 1961-62 is placed on the Table of the Lok Sabha. The figures of actual expenditure are not yet available.

STATEMENT

OUTLAY BUDGETED IN 1961-62—STATE PLANS

	Rs. Lakhs
Andhra Pradesh	4800
Assam	1875
Bihar	4900
Gujarat	3319
Kerala	2503
Madhya Pradesh	4375
Madras	4787
Mysore	4086
Maharashtra	4708
Orissa	2300
Punjab	3884
Rajasthan	3400
Uttar Pradesh	7259
West Bengal	5082
Jammu & Kashmir	1150
TOTAL	58428

(b) and (c). Progress on States' annual plans for 1961-62 was reviewed in the Working Groups constituted at the time of the annual plan discussions for 1962-63.

(d) Recommendations have been made in the Third Plan and in pursuance, steps are being taken.

Survey of Employment of Matriculates

3438. **Shri K. N. Pande:** Will the Minister of **Labour and Empolyment** be pleased to state:

(a) what does the study of "Man-Power Studies and Surveys" reveal about the position of the employment of matriculates; and

(b) how many matriculates are unemployed or are under-employed and for how long?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) and (b). The survey of employment of matriculates has not been completed so far.

Survey of Employment of Graduates

3439. **Shri K. N. Pande:** Will the Minister of **Labour and Employment** be pleased to state:

(a) what is the position of Graduates employment as revealed by "Man Power Studies and Survey"; and

(b) how many Graduates in Science, Arts, Commerce, Engineering, and Technology are unemployed or are under-employed and for approximately how long?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) and (b). The survey of "All India Graduate Employment" has been completed only recently, its report is being finalised.

Village Housing Scheme for Tripura

3440. **Shri Biren Dutta:** Will the Minister of **Works, Housing and**

Supply be pleased to state:

(a) whether any sum has been granted for Village Housing Scheme for Tripura for the year 1962-63;

(b) if so, what is the amount; and

(c) how much has already been spent?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) and (b). The Tripura Administration have not asked for release of any funds under the Village Housing Projects Scheme so far during this year.

(c) Loans to the extent of Rs. 1,17,750 have been disbursed in the last three years during which the Scheme has been in operation in Tripura.

Inventions for National Welfare

3441. Shri Jedhe: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there are schemes to encourage the postgraduate students in science for Development of inventions for national welfare; and

(b) if so, the details thereof and the results thereof; and

(c) the amount spent over in the Second Plan period and proposed to be spent during the Third Five Year Plan period (Subject-wise)?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) The Inventions Promotion Board gives financial assistance to any persons whether a postgraduate student in Science or not, who shows promise of any new inventions. Information regarding other Schemes for encouraging post-graduate students in Science in the field of research and development is being collected and will be placed on the Table of the House.

(b) The details of the scheme operated by the I.P.B. are given in the brochure "Inventions Promotion Board Information for inventors", copies of which have been placed in the library of the Parliament. The Inventions Promotion Board has so far given financial assistance to 87 persons and prize awards to 31 persons.

(c) The Board is a non-plan project. During the two years of its existence, it has sanctioned grants to inventions of the value of:

1960-61	Rs. 37,140
1961-62	Rs. 1,08,131

Wage Boards

3442. Shri P. R. Chakraverti: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether Government have set up Wage Board in different industries in the year 1961;

(b) if so, the names of such Board;

(c) whether Government propose to set up additional Wage Board in the year 1962; and

(d) if so, the names of such Board?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) and (b). Wage Board for coffee and rubber plantations were constituted in July, 1961.

(c) and (d). A Wage Board for the iron and steel industry has been set up early this year, and a Wage Board for the coal mining industry is being appointed shortly.

Licence for Importing Metal Reeds In Pondicherry

3443. Shrimati Maimoona Sultan: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the Controller of Imports and Exports, Pondicherry has issued an *ad hoc* import licence in favour of a leading firm for the import of all metal reeds, valued at Rs. 1 lakh;

(b) if so, whether there have been some objections to the issue of this licence from the import trade circles;

(c) if so, what are their objections; and

(d) Government's view on these objections?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Yes, Sir.

(c) The objections have been that under the existing import policy, the goods in question were not licensable on *ad hoc* basis and that they were also indigenously available.

(d) The *ad hoc* licence had to be granted as a special case in view of the import commitments before the merger of previous French possession with the rest of India. Under the existing import policy, all metal reeds are licensable to Established Importers at 20% quota.

Report of U.N. Commission on Death of Ex-U.N. Secretary-General

3444. { Shri Vasudevan Nair: Shri Warior:

Will the **Prime Minister** be pleased to state:

(a) whether Government have received a copy of the report of the U.N. Commission that enquired into the death of the ex-U.N. Secretary-General; and

(b) if so, whether a copy of the report would be laid on the Table?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Yes, Sir.

(b) As sufficient number of copies of the Report, in question, are not available and printing of the voluminous documents will involve considerable labour and time, it is not practicable to place it on the Table of the House. However, a copy of the Report (contained in U.N. document Nos. A/5069 and A/5069/Add. 1) has been placed in the Parliament Library.

Newsprint Factory in Kangra (Punjab)

3445. Shri Hem Raj: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the talks of Thapar and Sons with the foreign firm for collaboration for the setting up of a news-print factory in Kangra District Punjab have been concluded;

(b) the foreign exchange component involved in its import;

(c) when it is likely to be set up;

(d) whether it is going to be shifted to Hoshiarpur District due to the construction of the Pong Dam at Talwara; and

(e) whether the selection of the site for its setting up has been finalised?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) No, Sir.

(b) Approximately Rs. 600 lakhs.

(c) In about 3 years after all the preliminaries have been finalised.

(d) and (e). According to the Industrial licence the undertaking is to be established in Kangra District, Punjab. The licensee has not, so far, applied for any change of location nor intimated the exact location in the District of Kangra.

जाली समाचार एजेन्सियां और सिन्डीकेट

३४४६. **श्री विभूति मिश्र** : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि कुछ जाली समाचार एजेन्सियों और फीचर सिंडीकेटों का पता चला है ;

(ख) ये किन-किन राज्यों में काम कर रहे हैं और उनके काम किस प्रकार के हैं ; और

(ग) इन के विरुद्ध क्या कार्यवाही की गई है ?

सूचना और प्रसारण मंत्रालय में उपमंत्री (श्री शाम नाथ) : (क) और (ख) सरकार के पास कोई जानकारी नहीं है ।

(ग) सवाल नहीं उठता ।

देश में अखिल भारतीय औद्योगिक प्रदर्शनियां

३४४७. **श्री भक्त दर्शन** : क्या **वाणिज्य तथा उद्योग** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि देश भर के छोटे-बड़े नगरों में अखिल भारतीय औद्योगिक प्रदर्शनियों का आयोजन करने का निश्चय किया गया है ; और

(ख) यदि हां, तो इस बारे में अब तक क्या प्रगति हुई है ?

वाणिज्य तथा उद्योग मंत्रालय में अन्तर्राष्ट्रीय व्यापार मंत्री (श्री भनुभाई शाह) : (क) जी, नहीं ।

(ख) प्रश्न ही नहीं उठता ।

Amenities in Government Quarters in Gole Market Area

3448. Shri Balmiki: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether there is any proposal to provide amenities like a call bell or ceiling fan in the third room, a wash basin, a pacca outer verandah etc. in the Gole Market Government quarters after the upgrading of these quarters; and

(b) whether any action has been taken by Government to allot a "Gumbad" to the various recreation clubs in this area?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) There is no proposal to provide call bells and additional ceiling fans. Wash basins exist in some of the residences and are being provided in others (D-II type and above) on individual requests. Pucca covered verandahs exist in all the residences.

(b) Three of the existing Gumbads are already being used as recreation clubs.

उत्तर प्रदेश में कागज के कारखाने

३४४९. **श्री भक्त दर्शन** : क्या **वाणिज्य तथा उद्योग** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर प्रदेश में गन्ने की खोई से कागज तैयार करने के सात कारखाने स्थापित करने के लिये हाल ही में लाइसेंस दिये गये हैं ; और

(ख) यदि हां, तो क्या एक विवरण सभा-पटल पर रखा जायेगा जिस में कारखानों के स्थान, अनुमति लागत, उत्पादन क्षमता और उन फर्मों के नाम बताय गये हों जो कारखाने लगाने जा रही हैं ?

वाणिज्य तथा उद्योग मंत्रालय में उद्योग मंत्री (श्री कानूनगो) : (क) जी, हां । उद्योग (विकास तथा नियमन) अधिनियम, १९५१ के अधीन उत्तर प्रदेश में गन्ने की खोई का प्रमुख कच्चे माल के रूप में इस्तेमाल करने के कागज बनाने के दस कारखाने लगाने के लाइसेंस दिये गये हैं ।

(ख) अपेक्षित जानकारी बताने वाला एक विवरण सभा पटल पर रखा गया है। [**देखिये** परिशिष्ट ४, अनुबन्ध संख्या ६३]

Tea Centre in Edinburgh

3450. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have decided to set up a Tea Centre in Edinburgh;

(b) if so, at what cost; and

(c) the salient features of this Centre?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Government have approved the proposal of the Tea Board to set up a Tea Centre in Edinburgh.

(b) The capital cost of the project is estimated at £30,000.

(c) The entire decor of the Tea Centre will be Indian in character. The Centre is being set up to project the image of Indian Tea in Scotland and it will form part of the overall promotional campaign for Indian tea there.

Opening of a Tea Centre by the Irish Tea Council

3451. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a proposal to open a Tea Centre by the Irish Tea Council in collaboration with the Indian Tea Board has been under consideration; and

(b) if so, Government's decision in the matter?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) Government have approved of the proposal.

Industrial Estates in Orissa

3452. Shri Mohan Nayak: Will the Minister of **Commerce and Industry** be pleased to state:

(a) how many Industrial Estates have been started in the Orissa State; and

(b) what progress has been made till now?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) 8 Industrial Estates have been started in the Orissa State.

(b) 1 Estate has gone into production, 4 Estates have been completed and a few units in 2 of these Estates have started functioning. The construction work in 3 other Estates is in progress and is expected to be completed shortly.

Small Scale Cooperative Handloom Industries in Orissa

3453. Shri Mohan Nayak: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 131 on the 7th August, 1961 and state:

(a) the total number of small scale cooperative handloom industries now working in Orissa; and

(b) how many are proposed to be started during the Third Five Year Plan period?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). The information is being collected and will be laid on the Table of the House.

Production-*cum*-Training Centres

3454. Shri Dharmalingam: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a decision has been taken to establish a number of production-cum-training centres in different parts of the country; and

(b) if so, the names of the places that have been selected for these centres?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Yes, Sir.

(b) So far three Centres have been established at Rajkot in Gujarat, Okhla in Delhi and Howrah in West Bengal.

Assistance for Industries for D.Ps. from Ceylon and Burma

3455. Shri Dharmalingam: Will the **Prime Minister** be pleased to state:

(a) whether any scheme has been evolved for the grant of financial assistance and other facilities to the displaced persons from Ceylon and Burma for setting up new industries as in the case of displaced persons from Pakistan; and

(b) if not, the reasons therefor?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) and (b). The Government of Madras have taken certain measures, for assisting the Indian repatriates from Ceylon which have been shown in the statement laid on the Table. [*See* Appendix IV, annexure No. 64]. In addition, the Government of India have sanctioned a loan of Rs. 10 lakhs for starting a spinning mill at Nazareth. The mill is expected to go into production shortly. Repatriates from Ceylon are also granted age concession for admission to competitive examinations conducted by the U.P.S.C. and are also given very liberal treatment in regard to import of their personal belongings on return to India. The Planning Commission also has been laying down certain priorities for development of the districts of Thanjavur, Ramanathapuram and Tirunelveli of the Madras State in consultation with the State Government to provide employment opportunities to such people.

Neither the Government of India nor any of the State Governments have considered the question of giving such facilities to Indians returning from Burma in similar circumstances as their number is very small.

Tibetan Refugees

3456. Shri Dharmalingam: Will the **Prime Minister** be pleased to state:

(a) the amount spent so far on the Tibetan Refugees for giving them training in the different Small Industries Service Institutes;

(b) the nature of preference given to them;

(c) whether any preference is given to the displaced persons from Ceylon and Burma; and

(d) if not, the reasons therefor?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Rs. 1,51,203/-

(b) Educational requirements for admission to Small Industries Service Institutes were relaxed. To overcome the language difficulty, Hindi teachers/interpreters were also provided with each batch.

(c) and (d). The Government of Madras give preference to repatriates from Ceylon seeking admission into training centres. The State Government also give loans, lands and Ambar Charkhas etc. to these repatriates to enable them to start small industries or to carry on their avocations in India.

No consideration has yet been given by either the Government of India or any of the State Governments for giving such preference to Indians returning from Burma in similar circumstances, as their number is very small.

Refugees from East Pakistan in Tripura

3457. Shri Dasaratha Deb: Will the **Prime Minister** be pleased to state:

(a) whether refugees from East Pakistan entered Tripura due to recent communal tension created due to incidents which occurred at Rajshahi in East Pakistan;

(b) if so, the number of such refugees; and

(c) the steps taken to provide aid to them, if any?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) to (c). The information is being collected and as soon as it is available, it will be placed on the Table of the House.

Royalty to Foreign Collaborators of Indian Projects

3458. Dr. L. M. Singhvi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the rates of royalty given to foreign collaborators of Indian projects particularly in the field of chemicals and engineering industries; and

(b) the basis for determining these rates of royalty to foreign collaborators?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) and (b). The Rates of Royalty payable are determined on a variety of considerations, including the nature and importance of the technology involved, and the priority of the industry in relation to the national plan. Obviously, no standard rates of royalty could be prescribed, and each case is decided on its merits.

Committee set up by GATT for Trade Development

3459. Shri Shree Narayan Das: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Committee set up by the G.A.T.T. to remove the obstacles to the trade of developing countries and less developed countries has completed its work;

(b) whether the Indian delegation has returned to India;

(c) the conclusions reached by the Committee; and

(d) the important points raised by the delegation?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) No, Sir. The Committee held a meeting in last May and will meet again later in the year.

(b) Yes, Sir.

(c) Does not arise.

(d) The Indian representative to the meeting of the Committee held last May made the following points:—

1. In the event of the United Kingdom joining the European Common Market, care should be taken to ensure that no new discrimination takes place or higher barriers erected for the trade of less-developed countries like India.

2. The European Economic Community should give a firm assurance on the early removal of existing obstacles to imports of products of the less-developed countries and refrain from introducing fresh barriers.

3. Industrially advanced countries should provide import duty concessions for products of the less-developed countries on an unilateral basis.

Export of Iron Ore from Calcutta Port

3460. Shri Surendranath Dwivedy: Will the Minister of **Commerce and Industry** be pleased to state:

(a) what is the target of iron Ore to be exported from Calcutta port during 1962-63, 1963-64 and 1964-65; and

(b) what grade of iron ore the State Trading Corporation of India propose to export during above mentioned years?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Exports from Calcutta Port will be of the order of 4.5 lakh tons per annum.

(b) Iron ore with 62 per cent fe. content and above.

Export of Iron Ore from Calcutta Port

3461. Shri Surendranath Dwivedy: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that during 1957-58 and 1960-61, there was a decline in the iron ore export from Calcutta Port; and

(b) if so, what action has been taken to increase export of iron ore from Calcutta Port?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Yes, Sir. The exports of iron ore from Calcutta Port declined from 6.99 lakh tons in 1957-58 to 4.90 lakh tons in 1960-61.

(b) In view of overall economy of operations and that port of Calcutta has to cater to other important export goods, further increase in export of iron ore from Calcutta Port is not envisaged.

Alleged Indian Instrusion into Chinese Territory

3462. Shri D. C. Sharma:
Shri P. C. Borooah:

Will the **Prime Minister** be pleased to state:

(a) whether the Chinese Government in their protest note dated the 28th May, 1962 have accused India with further intrusions and provocations in the western sector of the Sino-Indian border; and

(b) if so, the reaction of Government thereto?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Yes, Sir. The Chinese Government in their note have baselessly alleged that India has set up a military post 35 18' North 78 05' 30" East, 8 kilometres west by south of the Chinese post at 35° 19' N 78 12' E. The Chinese Government have even named this place Hongshantou. There is no such place as Hongshantou on the map and the area referred to is Indian territory.

(b) The Chinese note dated 28th May, 1962 has just been received and is under study.

Water-marking of Newsprint

3463. Shri A. V. Raghavan:
Shri Pottekkatt:
Shri Warior:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal to introduce water-marking of the newsprint supplied to the newspapers to minimise the danger of leakage of duty-free newsprint;

(b) the number of instances in which such malpractices were detected in the years 1961 and 1962; and

(c) whether there is any difficulty in introducing water-marking in the Nepa Mills?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) No, Sir.

(b) This information is not readily available.

(c) With the machinery available with the NEPA Mills it is not possible to introduce water-marking in newsprint.

Rehabilitation of Tibetan Refugees in NEFA

3464. **Shri P. C. Borooah:** Will the **Prime Minister** be pleased to state:

(a) whether the North East Frontier Agency Administration has drafted a programme for the permanent rehabilitation of 5,000 Tibetan refugees in N.E.F.A.; and

(b) if so, what are the broad outlines of the scheme?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Yes, Sir.

(b) The Scheme envisages settlement of 5,000 Tibetan refugees on land in various frontier divisions of NEFA in self-contained villages of about 75 families each with necessary medical, educational and other facilities.

Export of Tapioca to West Germany

3465. **Shri Warior:**
Shri M. K. Kumaran:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the State Trading Corporation has made arrangements to export 4000 tons of Tapioca to West Germany; and

(b) if so, the details of the arrangements?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). A contract for export of 5000 tons of tapioca flour (manioc meal) during the season ending May, 1962, was entered into by the State Trading Corporation through its agents, with a West German firm. Owing to the failure of the crop it was possible to export only 1000 tons against this contract. The matter is under discussion with the firm concerned

Delegation for Newsprint

3466. **Shri A. V. Raghavan:**
Shri Pottekkatt:
Shri Warior:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal to send a delegation abroad to explore ways and means of assuring supply of newsprint;

(b) if so, what will be the composition of the delegation; and

(c) the countries which the delegation proposes to visit?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) No, Sir.

(b) and (c). Do not arise.

Broadcast directed to West Africa by All India Radio

3467. **Shri Ravindra Varma:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the All India Radio has any broadcasts directed to West Africa in English, French or any West-African language;

(b) if so, the number of hours per week devoted to such broadcasts in each of these languages; and

(c) if the reply to part (a) above be in the negative, the reasons for the absence of such broadcasts?

The Deputy Minister in the Ministry of Information and Broadcasting (Shri Sham Nath): (a) and (b). There is a programme in English broadcast for an hour daily (from 0115 to 0215 hrs. I.S.T.) which is directed to West Africa (Ghana and Nigeria).

(c) Does not arise.

Out-of-Turn Allotments of Quarters

3468. { Shri Nambiar:
Shri P. Kunhan:

Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of Government servants category-wise to whom out-of-turn accommodations have been sanctioned and who are awaiting such allotments as on 1st June, 1962; and

(b) whether the out-of-turn allotments in Ramakrishnapuram etc. are now being made after a fresh scrutiny of such cases?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) As on 1st June, 1962, 1404 Government servants were waiting for allotment of accommodation on out-of-turn basis. The details are as follows:

Class of accommodation	No. of officers waiting for allotment on out-of-turn basis
CII	32
SC	41
DI (Tenure Officers)	79
DI (Non-tenure Officers)	32
SD	18
D II (Tenure Officers)	19
D II (Non-tenure Officers)	8
E	30
SE	50
F	13
Ladies Pool	45
SF	257
G (Old Delhi)	51
G. (New Delhi)	715
Class IV	Nil.
Hostel	14
TOTAL	1404

(b) Out of the first lot of quarters which recently became ready for allotment in Ramakrishnapuram, 100 'G' class quarters were set apart for out-of-turn allotments and they have been allotted on the basis of sanctions accorded earlier. No fresh scrutiny was made of these cases.

Passports for U.K.

3469. Shri Jashvant Mehta: Will the **Prime Minister** be pleased to state:

(a) the number of passports issued for U.K. since January 1962 till date;

(b) how many applications were received for these U.K. passports and how many of them were entertained; and

(c) how many of them were rejected?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) 10,785 passports have been issued for the U.K. during the period 1st January, 1962 to 31st May, 1962.

(b) 13,581 applications for passport facilities for the U.K. were received and 10,785 of them were entertained during the period mentioned above.

(c) 844.

Licences for Industries

3470. Shri Jashvant Mehta: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of licences issued during the year 1961-62 for installation of different industries in different States;

(b) the number of industries out of these that have decided to collaborate with foreign firms; and

(c) how many people out of these have transferred the licences to other parties?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) A statement is laid on the Table. [*See* Appendix IV, annexure No. 65].

(b) and (c). Information is being collected and will be placed on the Table of the House.

Food Production in NEFA

3471. Shri P. C. Borooah: Will the **Prime Minister** be pleased to state:

(a) the quantity of various foodgrains produced in NEFA in each of the years from 1958 onwards;

(b) what are the prospects of further expansion of food production in NEFA area;

(c) what is the target of food production of that area under the Third Five Year Plan; and

(d) how much amount of money has been allotted for food production development schemes in that area for the current year?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) The information is being collected and will be placed on the Table of the House.

(b) Food production in NEFA can be increased by reducing the Jhum cycle by growing suitable nitrogenous plants in abandoned Jhum fields; extension of permanent cultivation; construction of minor irrigation channels; introduction of better farming techniques; use of better seeds and supply of improved tools and implements. All these means of increasing production have been given a place in the NEFA Third Five Year Plan.

(c) An increase of food production by 4000 tons is planned to be achieved during the Third Five Year Plan period.

(d) A sum of Rs. 7 lakhs has been allotted for this purpose during the current year.

National Productivity Council Study Teams

3472. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the National Productivity Council is sponsoring six study teams to tour four countries under U.S. Aid for International Development Programme;

(b) if so, which countries will be visited by the teams; and

(c) the subjects to be studied by them?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) Yes, Sir. Each Team will visit two countries, one of which will be U.S.A.

(b) and (c). The subjects of study and countries to be visited by these Teams are given below:—

	Subject	Countries to be visited
1.	Radio & Electronics Industry . . .	U.S.A. and Japan
2.	Glass and Optical Glass Industry .	U. K. and U. S. A.
3.	Food Preservation & Canning Industry .	Denmark and U.S.A.
4.	Non-Ferrous Metals Industry . . .	U. S. A. and U. K.
5.	Cables Industry .	Japan and U.S.A.
6.	Tools, Jigs and Fixtures in Industries. .	U. K. and U.S.A.

Export of Raw Jute

3473. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have recently decided to allow exports of

raw jute to Communist and other European countries;

(b) if so, to what extent;

(c) whether there have been protests from the jute industrial circles against this move; and

(d) if so, Government's reactions thereto?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Sir.

(b) Upto 2,00,000 bales.

(c) No, Sir.

(d) Does not arise.

Death of Patient in E.S.I. Gandhi Hospital, Secunderabad

3474. Shri A. K. Gopalan: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether Government have received any complaints about the death of a patient on the 17th March, 1962 in Employees State Insurance Gandhi Hospital, Secunderabad;

(b) whether it is a fact that the patient was admitted on the 14th March, 1962;

(c) whether it is a fact that the patient died within 10 minutes of administering a pill on the 17th morning; and

(d) whether it is a fact that the relatives were not informed about his death?

The Minister of Labour in the Ministry of Labour and Employment (Shri Hathi): (a) and (b). Yes. The patient was admitted in the Employees' State Insurance Ward, Gandhi Hospital, Secunderabad, on the 14th March, 1962 and he died on the 17th March, 1962.

(c) No.

(d) No. The patient had no relatives in the station and there was delay in informing them.

Brochures etc. on Sino-Indian Border Dispute

3475. Shri Hari Vishnu Kamath: Will the **Prime Minister** be pleased to state:

(a) whether any brochures, booklets or pamphlets have been published since August, 1961 with a view to educating and enlightening people at home and abroad about the facts of Chinese aggression against India;

(b) if so, in which languages; and

(c) the date of publication of each?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) to (c). A statement giving the required information is laid on the Table.

STATEMENT

S. No.	Name of the publication	Language in which published	Date of publication
	PUBLISHED IN INDIA		
1.	Prime Minister on Sino-Indian Relations Vol. I.	English.	18-8-61.
2.	India China Border Problem.	Oriya.	20-9-61.
3.	Summary of the Report of officials of the Government of India and the People's Republic of China on the Boundary Question.	Tamil. Hindi. Marathi. Bengali. Kannada. Telgu. Assamese. Oriya.	25-8-61. 4-9-61. 30-1-62. 5-3-62. 7-3-62 16-4-62. 18-5-62 Under Production.
4.	White Paper No. V.	English.	25-11-61.
	PUBLISHED ABROAD		
1.	Summary of the Report of officials of the Government of India and the People's Republic of China on the Boundary Question	Burmese. Japanese. Sinhalese. French German.	August 1961. August 1961. November 1961. December 1961. March 1962.
2.	Concluding chapter of the Report of the Indian Officials on the Boundary Question.	German.	March 1962.

Broadcast regarding bursting of Panshet Dam

3476. Shri Hari Vishnu Kamath: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the date on which and time at which A.I.R. Station Poona received information about the danger to Panshet Dam;

(b) the date and time when it was broadcast by AIR Poona;

(c) the date and time when AIR Station Poona received information that the dam had burst; and

(d) the date and time when it was broadcast?

The Deputy Minister in the Ministry of Information and Broadcasting (Shri Sham Nath): (a) to (d). No information about any danger to the Panshet Dam was received by the Poona Station of All India Radio on the morning of 12th July, 1961 from any source. The first indication of floods in the Mutha river was received through a telephone call from an individual at about 10.10 A.M. on that day. Since efforts to get an authentic confirmation of the news failed, the Assistant Station Director rushed to the Poona Collectorate to verify the facts himself. He arranged to broadcast an announcement immediately at 12.30 P.M. about the collapse of the Panshet Dam and warning the people. This was repeated at 12.50 P.M., 1.00 P.M. 1.30 P.M. and 2:00 P.M. Further messages were broadcast at 4.17 P.M. and 4.24 P.M,, after which the Station went off the air due to failure of power supply.

Sanforising Process in the Indian Mills

3477. Shri Yajnik: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a contract with foreign manufacturers of sanforising process was made for operating the process in the Indian mills;

(b) if so, the amount of royalty that is payable on every sanforising machine annually and also on processing every metre of cloth;

(c) the total amount paid in foreign exchange to the foreign dealers on both accounts; and

(d) whether the Reserve Bank of India has recommended the termination of this contract by the end of this year due to the difficulties of finding foreign exchange?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) Certain Indian Mills have entered into contracts.

(b) The royalty payable on cloth treated in whole or in part by this process is:

(i) .175 cent (U.S.) per yard upto 45" width of cloth;

(ii) 110 per cent of the above rate for cloth above 45" width;

(iii) The minimum royalty payable in any one calendar year or fraction thereof per machine is $3,500.

(c) Information regarding the total amount of royalty paid by the Indian Mills is not available.

(d) No, Sir. However, under Section 50 of the Trade and Merchandise Marks Act, 1958 the registration of various mills as registered users of the Trade Mark "Sanforized" which was made under the Trade Marks Act, 1940 will cease to have effect after the 24th November, 1962.

Mewar Textile Mills Ltd., Bhilwara

3478. Dr. L. M. Singhvi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is customary for Government to nominate one or more of the principal shareholders of an industrial unit taken over under Section 18A of the Industries (Development and Regulation) Act, 1951 on its Advisory Committee;

(b) whether any such appointment or nomination was made by Government some time in May, 1962 to the Advisory Committee of Mewar Textile Mills Ltd., Bhilwara;

(c) whether it is a fact that the Rajasthan State Government did not allow the nominee of the Central Government to attend a meeting of the Advisory Committee held in the beginning of June, 1962; and

(d) if so, reasons therefor and the action taken by Government in the matter?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) No, Sir.

(b) to (d). A nomination of a new member was made in May, 1962, and the matter is still under correspondence with the State Government.

मध्य प्रदेश के बस्तर जिले में केन्द्रीय परियोजनायें

३४७९. **श्री लखमू भवानी** : क्या **योजना** मंत्री यह बताने की कृपा करेंगे कि मध्य प्रदेश के बस्तर जिले में कितनी केन्द्रीय परियोजनाओं पर काम हो रहा है ?

योजना, श्रम तथा रोजगार मंत्री (श्री नन्दा) : सूचना उपलब्ध नहीं है और जैसे ही एकत्रित होगी दे दी जायगी ।

दण्डकारण्य परियोजना

३४८०. **श्री लखमू भवानी** : क्या **निर्माण, आवास और संभरण** मंत्री यह बताने की कृपा करेंगे कि :

(क) दण्डकारण्य परियोजना पर भत् १९५८ से १९६१-६२ तक कितनी राशि खर्च हुई ; और

(ख) इन में से बस्तर जिले में कितनी राशि खर्च हुई और कोरापुट जिले में कितनी

निर्माण, आवास और संभरण मंत्री (श्री मेहर चन्द खन्ना): (क) १९५७-५८ से १९६१-६२ तक लगभग १२.१७ करोड़ रुपय ।

(ख) बस्तर और कोरापुट जिलों के बारे में पृथक आंकड़े उपलब्ध नहीं है ।

दण्डकारण्य परियोजना

३४८१. **श्री लखमू भवानी** : क्या **निर्माण, आवास और संभरण** मंत्री यह बताने की कृपा करेंग कि :

(क) दण्डकारण्य परियोजना में मध्य प्रदेश और उड़ीसा सरकार से कितने व्यक्ति लिय गय हैं ; और

(ख) इनमें तृतीय और चतुर्थ श्रेणी के कितने कर्मचारी हैं ?

निर्माण, आवास और संभरण मंत्री (श्री मेहर चन्द खन्ना) : (क) और (ख) जानकारी एकत्रित की जा रही है और उपलब्ध होने पर सभा की मेज पर रख दी जायगी ।

दण्डकारण्य परियोजना

३४८२. **श्री लखमू भवानी** : क्या **निर्माण, आवास और संभरण** मंत्री यह बताने की कृपा करेंग कि :

(क) दण्डकारण्य परियोजना के अन्तर्गत मध्य प्रदेश और उड़ीसा सरकार द्वारा कितने एकड़ जमीन प्रदान की गई है ;

(ख) इन में से कितनी जमीन आदिवासियों को बस्तर में और उड़ीसा में प्रदान की गई है ; और

(ग) उक्त भूमि पर अब तक कितने आदिवासी बसाय जा चुके है ?

निर्माण, आवास और संभरण मंत्री (श्री मेहर चन्द खन्ना) : (क) से (ग)

दण्डकारण्य परियोजना के बारे में ३१ मार्च, १९६२ की अवधि तक प्रगति प्रतिवेदन दिनांक १ मई, १९६२ जोकि इस सभा के सदस्यों को परिचालित किया गया था उसकी ओर ध्यान आकर्षित किया जाता है ।

दण्डकारण्य परियोजना

४८४ **श्री लखमू भवानी** : क्या **निर्माण, आवास और संभरण** मंत्री यह बताने की कृपा करेंगे कि :

(क) सन् १९५८ से दण्डकारण्य परियोजना के अन्तर्गत मोटर गाड़ियों, ट्रकों आदि पर कितनी राशि अब तक खर्च हुई है ; और

(ख) उक्त अवधि में इन सब में पेट्रोल का कितना खर्च हुआ है ?

निर्माण, आवास और संभरण मंत्री (श्री मेहर चन्द खन्ना) : (क) संधारण तथा क्रियाकरण (आपरेशन) को मिलाकर ३१ मार्च, १९६२ तक १.०७ करोड़ रुपये ।

(ख) पेट्रोल आदि पर जो खर्च किया गया उसके पृथक आंकड़े उपलब्ध नहीं है

दण्डकारण्य परियोजना

३४८४. **श्री लखमू भवानी** : क्या **निर्माण, आवास और संभरण** मंत्री यह बताने की कृपा करेंगे कि :

(क) सन् १९५८ से अब तक दण्डकारण्य परियोजना में सरकारी कर्मचारियों के वेतन भत्ते, एवं आफिस खर्च में कितनी राशि खर्च हुई है ; और

(ख) सरकारी कर्मचारियों के लिये मकान बनाने में कितनी राशि इस परियोजना के अन्तर्गत खर्च हुई है ?

निर्माण, आवास और संभरण मंत्री (श्री मेहर चन्द खन्ना): (क) और (ख) से मांगा गई है और प्राप्त होते ही सभा-पटल पर रख दी जायगी ।

Offices in Talkatora Barracks, New Delhi

3485. **Shri P. C. Borooah:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the building of the offices situated in the Talkatora barracks, New Delhi is being repaired;

(b) if so, how old this building is, and whether it is due for demolition in view of the fact that it had outlived its due term;

(c) how much expenditure would be involved in the repairs, shifting and reshifting of the offices housed therein to and from alternative buildings, and in payments of rents etc. for the alternative buildings;

(d) how does this expenditure referred to in part (c) above compare with the original cost of building of the barracks in question;

(e) whether there was a proposal at some stage to replace these barracks by double or multi-storeyed office buildings; and

(f) if so, why the proposal was not carried out?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) to (f). These barracks, built in 1943 at a cost of about Rs. 14.38 lakhs, have outlived their life. Due to acute shortage of accommodation, it has been found necessary to keep them going for sometime more. Repairs are being carried out to these barracks at an estimated cost of Rs. 2.62 lakhs to make safe. No expenditure by way of rents for alternative buildings is involved.

The expenditure to be incurred on shifting of records, etc., is not likely to be of any magnitude.

The site of the barracks, when free, is proposed to be utilised partly for the All India Radio office building (Phase II) and partly for the future expansion of the Lok Sabha Secretariat, proposals for which have not yet been finalised.

Development of NEFA

3486. Shri P. C. Borooah: Will the **Prime Minister** be pleased to state:

(a) whether the Foreign Secretary visited Shillong to discuss various problems relating to the development of NEFA region with the Governor of Assam and Senior Officers of NEFA in the 1st week of June, 1962;

(b) if so, what particular matters were discussed during his visit; and

(c) what decisions, if any, were taken in consultation with the Foreign Secretary for the development of the NEFA region?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) The Foreign Secretary paid a visit to Shillong from 31st May to 2nd June. A conference of the senior officers of the NEFA commenced at Shillong on 1st June and the Foreign Secretary sat in at one or two sessions of this conference to acquaint himself with the administrative and other problems which the NEFA Administration has to deal with and give necessary guidance and assistance in dealing with these problems.

(b). The Foreign Secretary took advantage of this visit to discuss logistic and other problems facing the NEFA Administration and the Assam Rifles, with the Governor and also met some of the Assam Ministers and the Chief Secretary of Assam. He also met a number of officers of the Indian Frontier Administrative Service serving in NEFA to acquaint himself with the conditions in the various regions of NEFA and discuss the difficulties experienced by these officers in their day to day work Besides, the Foreign Secretary presided over a meeting of the Association of Indian Frontier Administrative Service Officers, where certain proposals regarding improvement of the service conditions were discussed.

(c). No decisions were taken on any major questions. As a result of the consultations, which took place however, some of the difficulties and problems were adjusted by internal re-arrangements and guidance was given as to the lines on which other problems including development proposals should be processed and sent up to the Government of India.

It might be added that such consultations between the Governor and the officers of the NEFA Administration go on continuously when the Governor or Senior NEFA Officers visit Delhi and occasionally when the Foreign Secretary visits Shillong

उद्योगपतियों और श्रमिकों के सम्बन्ध

३४८८. **स्वामी रामेश्वरानन्द सरस्वती :** क्या **श्रम और रोजगार** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि आजकल उद्योगपतियों और श्रमिकों के मध्य सम्बन्ध ठीक नहीं रहने से जगह-जगह हड़तालें हो जाती हैं जिसके कारण उद्योगों को बहुत हानि होती है ;

(ख) क्या सरकार ने ऐसे प्रयत्न किये हैं जिससे मालूम हो सके कि ये सम्बन्ध हाल में किन कारणों से खराब हो जाते हैं ;

(ग) क्या सरकार उद्योगों को उन्नत करने के लिये श्रम विवादों के सम्बन्ध में कोई विश्लेषण कर रही है ; और

(घ) यदि हां, तो वह किस प्रकार का है ?

श्रम और रोजगार मंत्रालय में श्रम मंत्री (श्री हाथी) : (क) जी नहीं । हड़ताल

और तालबन्दी के कारण जो श्रम-दिनों की हानि होती थी, उसमें कमी होती जा रही है ।

(ख), (ग) और (घ). प्रश्न नहीं उठता ।

Atomic Power

3489. Shri Hari Vishnu Kamath: Will the **Prime Minister** be pleased to state:

(a) whether a comparative assessment or estimate has been made recently as to the economics of production and consumption of power and fuel atomic fusion or fission on the one hand and from conventional sources on the other; and

(b) if so, the details thereof?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) and (b). The economics of power generation by conventional methods and nuclear fission are constanly under study and review. The details of the latest study are contained in a paper entitled "Atomic Energy in the Indian Economy" by Dr. H. J. Bhabha, F.R.S., Chairman, Atomic Energy Commission, which he delivered as the Distinguished Lecturer to the American Nuclear Society and the American Industrial Forum in November last year. A copy of the paper has been placed in the library of the Lok Sabha.

Controlled thermo-nuclear fusion has not yet been achieved.

Applications for Industrial Licences

3490. Shrimati Sarojini Mahishi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of applications made for industrial licences under the Industries (Development and Regulation) Act separately for each year from 1956 to 1962; and

(b) how many applications were rejected in each year separately?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) and (b). A statement is laid on the Table.

STATEMENT

Year	Total number of applications made	Total number of applications rejected
1956 .	1291	218
1957 .	1408	423
1958 .	1878	286
1959 . . .	2819	358
1660 . . .	3305	548
1961 . . .	4012	972
1962 (Jaury'62 to April '62) .	1033	449

Arrears of Rent

3491. Shri G. Mohanty: Will the Minister of **Works, Housing and Supply be** pleased to state:

(a) whether the Committee of Officers set up by Government in September, 1961 to examine the accumulation of large arrears of rent under the control of the Director of Estates have submitted their report;

(b) if so, whether Government will lay a copy of the Report on the Table; and

(c) whether Government will state the total arrears outstanding against Government servants upto 1960-61 and the present amount of arrears pertaining to them?

The Minister of Works, Housing and Supply (Shri Mehr Chand Khanna): (a) to (c). Yes, but the Committee has since been dissolved. It was not found necessary for the Committee to go into the question of accumulation of arrears of rent because the position has since considerably improved. On the 1st of April

1961, the total amount of rent arrears against Government servants was Rs. 27.15 lakhs. This amount came down to Rs. 19.12 lakhs on 1st April, 1962. Even these arrears are unreal because the major portion of them consists of dues which have already been realized from the Government servants by the Departments concerned, but the credit for which has not yet been received in the books of the Directorate of Estates.

Yarn for Handloom Weavers

3492. Shri Subbaraman: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that handloom weavers do not get sufficient quantity of yarn for their requirements and at the price fixed by Government; and

(b) if so, action taken to remove these difficulties?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). By and large, the yarn requirements of handloom weavers are being met. Occassionally complaints have, however, been received about the shortage of certain qualities and varieties of yarn. The Textile Commissioner is in touch with the Cotton Mills Federation and arrangements have been made for direct supplies of yarn from the Mills to weavers's Co-operative Societies. In order to secure larger production of yarn, Government are also taking steps to increase the availability of raw cotton and also to install additional spindles.

Tariff Agreements

3493. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have approved the tariff agreements recently reached with various countries as a result of the latest GATT session;

(b) if so, what are the specific agreements referred to in (a) above; and

(c) what would be the overall balance of payments position in terms of the agreements during the period when they are effective?

The Minister of International Trade in the Ministry of Commerce and Industry (Shri Manubhai Shah): (a) and (b). A public announcement on Government's decision in respect of these agreements and details of the tariff concessions provided in them will be made soon.

(c) The import duty concessions received under the agreements may facilitate increased exports, but their immediate effect on our balance-of-payments position is not likely to be significant.

Restriction on Indian Diplomatic Personnel in Peking

3494. Shri P. C. Borooah: Will the **Prime Minister** be pleased to state:

(a) whether a reply has of late been received from the Peking Government regarding restrictions imposed on Indian diplomatic personnel in China; and

(b) if so, the details thereof?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Yes, Sir; a note dated 7th June 1962 was recently handed over to our Embassy in Peking. It has not been received by us yet.

(b) Generally, the Chinese Government insist that they have been giving 'reasonable' facilities in accordance with local laws and regulations to our officials but have shown no willingness to make it any easier for them to perform their normal functions.

They deny the existence of special restrictions but admit that there are restrictions which they claim to be of general application to all diplomatic personnel in China.

Information received from our missions in China indicate that the application of these restrictive regulation is specially rigid in the case of Indian diplomats. However, in the Tibet region of China our diplomatic personnel have fared worse and have had fewer recognised privileges than in other parts of China.

The Chinese note distorts facts and seeks to evade responsibility for the unwarranted and rigorous restrictions imposed on our officials and missions in China, and more particularly in the Tibet region of China.

Indians in Africa

3495. Shri Jashvant Mehta: Will the **Prime Minister** be pleased to state:

(a) the number of Indians at present settled in Africa, particularly Kenya, Uganda, Zanzibar and South Africa;

(b) whether it is a fact that Government of India have been extending any financial help to voluntary organisations, such as Afro-Asian Conference, Indian Council for Africa, Afro-Asian Society etc.; and

(c) if so, what is the amount paid to the organisation during the last five years?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) The number of persons of Indian origin in these countries are approximately:

Kenya	1,78,000
Uganda	76,200
Zanzibar	18,300
South Africa	5,00,000

(b) and (c). Some financial help was given to the Afro-Asian Conference in 1956-57, but no financial grant has been given to any of these bodies as such during the last five years.

Industrial Cooperatives

3496. Shri J. P. Jyotishi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount given to Industrial Cooperatives as (i) loan and (ii) grant so far;

(b) the industries started by them; and

(c) the Industrial Cooperatives working in Madhya Pradesh, the help given to them and the industries they have started?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) to (c). Necessary information is being collected and will be laid on the Table of the House as soon as possible.

Dwarka Paper Mill in Madhya Pradesh

3497. Shri Birendra Bahadur Singh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that a new paper mill—Dwarka Paper Mill—is being established at Betul in Madhya Pradesh about 200 miles from Nepa;

(b) whether Government have given sanction for starting this mill; and

(c) if so, particulars of the party and collaboration arrangements, if any?

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): (a) and (b). No, Sir.

(c) Does not arise.

Amount Allocated for Communications in Punjab Hills

3500. Shri Hem Raj: Will the Minister of **Planning** be pleased to state:

(a) the amount of money sanctioned by Central Government for construc-

tion of roads and bridges in the Punjab Hills during the **Third Five** Year Plan;

(b) the amount that has been asked by Punjab Government to improve the communications in the Punjab Hills; and

(c) the amount that has been allocated consequent on request of Punjab Government?

The Minister for Planning and Labour and Employment (Shri Nanda): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 68].

Passports for Sarvodaya Workers

3501. Shri Sivamurthi Swamy: Will the **Prime Minister** be pleased to state:

(a) whether it has been brought to his notice that two Sarvodaya workers, Shri E. P. Menon and Shri Satish Kumar have left on the 1st June, 1962 from Gandhi Samadhi, Rajghat on world tour to represent their protest against Nuclear Tests;

(b) whether it is a fact that though they applied for passports for all the countries through which they are to pass on *padayatra* they have not been given the same;

(c) whether they are determined to go with or without passports to other foreign countries and whether they have written to Government to that effect;

(d) the reasons for the delay; and

(e) whether Government are taking necessary steps in this matter?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Yes, Sir.

(b) No, Sir. They have already been granted necessary passport facilities.

(c) Does not arise.

(d) The applicants had originally submitted their applications to the Regional Passport Officer, Madras, through the District authorities, However, since the applications were incomplete in some details, they had to be sent back to the applicants. **Meanwhile**, the persons concerned had travelled to Delhi. They then approached the Chief Passport Officer, New Delhi, on 25th May, 1962. Immediately thereafter, in consultation with the Regional Passport Officer, Madras, from whom relevant papers were called for, passport facilities were granted on the 5th June, 1962.

(e) Does not arise.

12.17 hrs.

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

(i) Outbreak of Epidemic of Paralysis in Malda District

Shri P. R. Chakraverti (Dhanbad): Under Rule 197, I call the attention of the Minister of Health to the following matter of urgent public importance and I request that he may make a statement thereon:

> "The reported outbreak of paralysis in epidemic form in Malda district of West Bengal".

The Minister of Health (Dr. Sushila Nayar): An unknown disease crippling the patients by paralytic action of lower limbs has been prevalent in certain areas of the District of Malda in West Bengal. The disease was first reported on 4th April, 1962. The total number of attacks so far reported is 435. No deaths have occurred so far. The symptoms are pain in the leg followed by paralysis. There is no fever.

40 per cent. of the cases returned to work. Others are under treatment. The State Health authorities are of the

[Dr. Sushila Nayar]

view that the disease is not due to viral or bacterial infection. Evidence so far is in favour of a chemical poison or a toxin being responsible for the disease. The possibility of contamination of mustard oil and other food stuffs by some chemical during storage cannot be ruled out.

Preventive measures on general lines have been organised by the State Government. Typical cases are being admitted in research institutions in Calcutta for investigation and treatment. The cause of the disease is under investigation by specialists. One after another three specialist teams from the School of Tropical Medicine, Calcutta and the All India Institute of Hygiene and Public Health, Calcutta, have visited the area for field investigations. The State Government have mobilised additional itinerant medical units for the benefit of the people of the locality. Organised treatment as may be recommended by the specialist investigators will be arranged by the State Government as soon as such recommendation is available. Animal experiments done so far on mice fed on mustard oil used by affected persons have shown that hind legs get paralysed. Detailed analysis of mustard oil and other commodities and also animal experiments are in progress. The School of Tropical Medicine, Calcutta, and the All India Institute of Hygiene and Public Health are fully collaborating with the State authorities in investigating the causes of the disease.

Shri P. R. Chakraverti: Have the Government satisfied themselves whether this outbreak of paralysis was caused by the use of mustard oil mixed up with some spurious ingredients and, if so, may I know what action is being taken against the persons responsible for this?

Dr. Sushila Nayar: It seems that the mustard oil was purchased from a weekly *hat* and all those affected were found to have eaten food fried in this particular sample of mustard oil. Telegraphically arrangements were made, so that the remaining oil stocks with the dealers who supplied this oil was frozen. Further investigations are proceeding. When we know what is the exact ingredient in the oil responsible for the paralysis, the question of taking action against those responsible will arise.

Shrimati Renuka Ray (Malda): Has the All India Institute of Hygiene and Public Health reported that they feel that it is some extraneous substance mixed with the mustard oil which has caused this?

Dr. Sushila Nayar: I have already submitted that the fact that this disease has occurred only in adults and the breast-fed babies are the only ones left out, proves that it is something eaten by them which has caused this condition. The sample of suspected oil was fed to animals and it has resulted in paralysis in 48—72 hrs. So, the oil has been incriminated, but what exactly is the adulterant or the toxin in the oil is being investigated. It may be that something has been added accidentally to the oil during storage or in the process of collection of the mustard seeds or there may be some deliberate adulteration, we do not know. When the investigations are complete and we know the exact situation, further action will be taken.

Shri Daji (Indore): Is the Government aware that this adulteration has been caused in storage of the substances with insecticides and besides mustard oil, other foodstuffs like wheat flour, rice, etc. were also stored together with insecticides and if so, steps should be taken to see that these adulterated foodstuffs are not used, because otherwise there will be further calamity?

Dr. Sushila Nayar: The hon. Member is probably referring to the folidol incident that took place the year before.

Shri Daji: I am referring to this matter.

Dr. Sushila Nayar: At present, we have absolutely no report and no information that there was adulteration of rice and other foodstuffs, as the hon. Member has stated.

(ii) WATER SCARCITY AT DELHI STATION AND FEROZESHAH KOTLA, DELHI

श्री बागड़ी (हिसार) : अध्यक्ष महोदय, मैं नियम १९७ के अन्तर्गत स्वास्थ्य मंत्री का ध्यान निम्न अविलम्बनीय लोक महत्व के विषय की ओर आकृष्ट करता हूं और चाहता हूं कि वह इस सम्बन्ध में अपना वक्तव्य दें :—

"दिल्ली स्टेशन तथा कोटला फिरोज़-शाह में पानी की सख्त किल्लत"।

Dr. Sushila Nayar: The railway departments in Delhi have been drawing filtered water supply from the Corporation.....

श्री बागड़ी : स्पीकर साहब, ...

अध्यक्ष महोदय : माननीय सदस्य चाहते है कि हिन्दी में जवाब दिया जाये ।

डा० सुशीला नायर : श्रीमन्, रेलवे अधिकारीगण पुरानी दिल्ली रेलवे स्टेशन के लिए पिछले कुछ सालों से दिल्ली कार्पोरेशन के मेन नलों में से पानी ले रहे हैं उन के पास एक बड़ा छः इंच डायमीटर का वाटर कनक्शन है और कई छोटे छोटे कनक्शन भी हैं । ९ जुन, १९६२ को कार्पोरेशन को यह शिकायत हुई कि उन नलों में पानी का प्रेशर कम है । वाटर इमरजेंसी स्टाफ़ ने उसी वक्त जा कर इस को दुरुस्त कर दिया और उस के बाद कोई कठिनाई नहीं रही ।

दूसरा सवाल विक्रमनगर कालोनी का है, जो रीहैबिलिटेशन मिनिस्ट्री की एक कालोनी है और फिरोजशाह कोटला ग्राउंड्ज़ के नज़दीक स्थित है वहां पर २५०० लोग रहते हैं और मिनिस्ट्री ने वहां पर कोई छः पब्लिक हाइड्रेन्ट्स लगाये हुए हैं । ये हाइड्रेन्ट्स एक दो इंच की मेन से लिये गये हैं वह मेन, जो कि वहां पानी लाती है, झंडेवाला रेज़रवायर डिस्ट्रिब्यूशन सिस्टम के बिल्कुल आखिरी सिरे पर, टेल एन्ड पर, है और इस लिए वहां का प्रेशर कुछ कम हो जाता है । मिनिस्ट्री आफ़ रीहैबिलिटेशन ने वहां पर सिर्फ़ अस्थायी रूप से पानी का इन्तज़ाम किया था, क्योंकि उन का इरादा वहां पर बैठे हुए कुटुम्बों को आखिर में किसी और जगह हटा देने का था । उन्होंने वहां पर पानी का कोई पक्का इन्तज़ाम नहीं किया हुआ है ।

श्री बागड़ी : मैं अर्ज़ करना चाहता हूं कि दिल्ली के जिन इलाकों में पानी की किल्लत है, वह सिर्फ़ आज नहीं, बल्कि हर साल होती है । उस बिना पर राजकुमारी अमृतकौर के जमाने में गन्दा पानी पीने की वजह से हज़ारों आदमी मौत के घाट उतर गये थे । क्या मिनिस्टर साहबा यह बता सकेंगी कि चूंकि दिल्ली स देश का स दर-मुकाम है, इस लिए क्या केन्द्रीय सरकार के सामने यहां की पानी की समस्या को मुस्तकिल तौर पर हल करने के लिए कोई स्कीम है ? इस के अलावा पानी की आरज़ी किल्लत को दूर करने के लिए क्या यह तजवीज़ उन के ज़ेरे-गौर है कि राष्ट्रपति और मिनिस्टरों का पानी भी कुछ कम किया जाये ?

डा० सुशीला नायर: : श्रीमन्, माननीय सदस्य ने राजकुमारी अमृतकौर के मंत्री पद के काल में जो हज़ारों लोगों के बीमार होने का ज़िक्र किया है, वह तो सही नहीं है । हज़ारों आदमियों का तो कोई सवाल नहीं था ।

एक माननीय सदस्य : उन्होंने तो हज़ारों आदमियों के मरने की बात कही है ।

डा० सुशीला नायर : वह सही नहीं, जहां तक पानी की किल्लत का सवाल है, इस सदन में कई बार सवालों के जवाब में मैं ने अर्ज़ किया है कि इस बारे में क्या क्या प्रबन्ध किये जा रहे हैं, ताकि पानी की किल्लत

[डा० सुशीला नायर]

को दूर किया जा सके । इस के लिए बहुत सी योजनायें बन रही है और इस वक्त अगर कहीं से भी कोई रिपोर्ट मिलती है, तो वहां पर तुरन्त पानी का इन्तजाम किया जाता है। हम इस वक्त यहां पर, दिल्ली नगर निगम, ३७ गेलन्ज़ पर-हैड के हिसाब से पानी पहुंचा रहे हैं, जब कि दूसरे शहरों में २०, २५ गेलन से ज्यादा पानी नहीं मिलता है । दिल्ली में पानी के सम्बन्ध में और जगहों से ज्यादा अच्छी हालत है ।

श्री बागड़ी : क्या इस बारे में केन्द्रीय सरकार की तरफ से कोई स्कीम बनाई जा रही है ?

अध्यक्ष महोदय : मैं ने माननीय सदस्य को अवसर दे दिया और उन्होंने सवाल भी कर लिया। अब उन को चाहिये कि वह आराम से बैठें ।

श्री बागड़ी : माननीय मंत्री ने तो कार्पोरेशन के बारे में कहा है । मैं तो यह जानना चाहता था कि क्या केन्द्रीय सरकार इस बारे में बाकायदा तौर पर कोई ऐसी स्कीम तैयार कर रही है, जिस से यह पानी की किल्लत दूर हो जाये । दूसरा सवाल यह था कि क्या पानी की आरजी किल्लत को दूर करने के लिए मिनिस्टरों का पानी कम किया जायगा ।

अध्यक्ष महोदय : दूसरे सवाल का जवाब देने की जरूरत नहीं है और पहले सवाल का जवाब दे दिया गया है ।

12.27 hrs.

PAPERS LAID ON THE TABLE

CORRESPONDENCE BETWEEN INDIA AND CHINA

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): Sir, on behalf of Shri Jawaharlal Nehru, I beg to lay on the Table a copy each of the following papers:—

(1) Government of India's protest dated 10th May, 1962 regarding Sino-Pakistan border negotiations;

(2) Chinese protest dated 30th April, 1962 alleging fresh Indian intrusions;

(3) India's reply dated 14th May, 1962;

(4) Chinese protest dated 20th March, 1962, alleging fresh intrusions by Indian personnel;

(5) India's reply dated 21st May, 1962;

(6) Chinese protest dated 11th May, 1962, alleging intrusions by Indian personnel in Spanggur region;

(7) India's reply dated 21st May, 1962, and counter protest against a new Chinese post in the Spanggur region;

(8) Chinese note dated 26th April, 1962, alleging Indian intrusions in Ari region of China;

(9) India's reply dated 26th May, 1962;

(10) Chinese protest dated 19th May, 1962 alleging Indian intrusions in Longju area;

(11) India's reply dated 28th May, 1962;

(12) Chinese note dated 20th November, 1961, regarding trijunction of borders of India, China and Burma and the Sino-Burmese Boundary Treaty;

(13) India's reply dated 31st May, 1962;

(14) Chinese note dated 21st April, 1962, alleging Indian intrusions;

(15) India's reply dated 6th June, 1962;

(16) Chinese note dated 27th April, 1962 regarding Chinese post at SUMDO;

(17) India's reply dated 6th June, 1962;

(18) Chinese note dated 15th May, 1962, regarding India's protest of Chinese intrusion in Longju area (Roi) in January, 1962;

(19) India's reply dated 6th June, 1962;

(20) Chinese note dated 17th May, 1962, regarding air drop on Chinese post by Indian aircraft in January, 1962;

(21) India's reply dated 6th June, 1962. [*Placed in Library. See* No. LS-200/62].

Shri P. K. Deo (Kalahandi): In this regard, Sir, I beg to submit that in the last Lok Sabha similar correspondence of this type was compiled in the form of a White Paper and that used to be laid on the Table and circulated to hon. Members. May I know why there is a departure this time?

Mr. Speaker: Papers are being placed before the Parliament as they are being received. If hon. Members want that a regular compilation in the form of a White Paper might be made, then perhaps it may take some time. Subsequently they may put in a White Paper also.

NEWSPRINT CONTROL (AMENDMENT) ORDER, 1962; COFFEE (FOURTH AMENDMENT) RULES, 1962; ANNUAL REPORT OF THE EXPORT RISKS INSURANCE CORPORATION AND THE GOVERNMENT REVIEW ON ITS WORKING

The Minister of Industry in the Ministry of Commerce and Industry (Shri Kanungo): With your permission, Sir, I beg to lay on the Table a copy of each of the following papers:—

(i) The Newsprint Control (Amendment) Order, 1962 published in Notification No. 8/26/62-Imp. dated the 29th May, 1962, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [*Placed in Library. See* No. LT-201/62].

(ii) The Coffee (Fourth Amendment) Rules 1962 published in Notification No. G.S.R. 736, dated the 2nd June, 1962, under sub-section (3) of section 48 of the Coffee Act, 1942. [*Placed in Library. See* No. LT-202/62].

(iii) (a) Annual Report of the Export Risks Insurance Corporation Limited, Bombay, for the year 1961 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956.

(b) Review by the Government on the working of the above Corporation. [*Placed in Library. See* No. LT-203/62].

ANNUAL REPORT OF THE HINDUSTAN SALTS COMPANY AND REVIEW BY GOVERNMENT ON THE WORKING OF THE COMPANY

Shri Kanungo: Sir, I beg to lay on the Table a copy each of the following papers:—

(i) Annual Report of the Hindustan Salts Company Limited, Jaipur for the the year 1960-61, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon under sub-section (1) of section 619A of the Companies Act, 1956.

(ii) Review by the Government on the working of the above Company. [*Placed in Library. See* No. LT-204/62].

..

STATEMENT RE: REPORT OF OIL AND NATURAL GAS COMMISSION FOR THE YEAR 1960-61

The Minister of Mines and Fuel (Shri K. D. Malaviya): At the outset I must admit that the presentation of the annual report of the Oil and Natural Gas Commission for the year 1960-61, placed on the Table of this House on the 8th June, 1962, has been delayed, and I should like to express my regret for this. In the normal course this report should have been submitted to the House at least 6 to 9 months earlier. I may, however, mention that a report of an organisation like the Oil and Natural Gas Commission which carries out very highly specialised and complex technical activities such as gravity-magnetic and seismic surveys, oil well drilling and their testing with the latest electrologging methods etc. has to be compiled after a very careful scrutiny of the data obtained during the course of one year of working. The analysis of such data, their correlation and assessment take time. For a report to be useful, the data have to be fully analysed and interpreted and the results trarnslated into structural details of the strata at great depths to assess the possibilities of obtaining oil-gas therefrom. Unlike the results of the Geological Survey and exploration for other minerals or results of work done in laboratories etc. which lend themselves to easy analysis and interpretation, the results of oil exploration activities take very considerable time in arriving at proper conclusions.

The report of the Oil and Natural Gas Commission is essentially a report of exploratory activities spread over various parts of the country and in addition to the description of physical work done during the year, the Commission gives in this report the results of its activities. As the field season particularly for geological and geophysical operations does not coincide with the financial year, and it extends well into May and June each year, the compilation, computation and interpretation of the data collected can only be completed by sometime in August-September each year. Further scrutiny of these data by senior officers and interpretation thereof takes time, and therefore proper assessment of the results is completed only several months after the close of each financial year. In particular, the report of the Commission for the year 1960-61 related to the final year of the Second Five Year Plan period, and the Commission felt that this report should incorporate a review of the exploration work carried out by the Commission during the entire Second Plan period. Such an assessment took some more time and contributed to the delay that has occurred in presenting this report.

As, however, the annual report is intended to give purely the description of the work carried out during a particular year, the Commission have agreed that in future the annual reports will be submitted within a maximum of 6 months after the close of each financial year. The interpretation and the results of the work carried out would be published in the report of the following year.

The Commission's annual report for the year 1961-62 will be submitted to the Parliament within this period, and I trust that the House will find this arrangement to be satisfactory.

Shri Hari Vishnu Kamath (Hoshangabad): On a point of clarification. The Minister's statement makes it clear beyond doubt that the staff for the compilation and collation of the various data is either inadequate or the work is so difficult that they are not able to cope with it. Is the House to understand that this delay will be a regular feature, a recurring feature, or will efforts be made to overcome the inadequacy or inefficiency of staff?

Mr. Speaker: He has already stated how far they can make up the deficiency and when the report would be presented.

Shri Morarka (Jhunjhunu): From the statement which the hon. Minister has just now made it appears that even in future several months would be

taken for submitting the financial report and annual report after the financial year is over. In this connection, I beg to draw attention to the relevant provision in the Act which confers a very valuable right on this House. Section 23, sub-section (2) of the Oil and Natural Gas Commission Act, provides:

> "Without prejudice to the provisions of sub-section (1), the Commission shall, as soon as possible after the commencement of each financial year, submit to the Central Government a report in such form and before such date as may be prescribed, giving a true and full account of its activities, policies and programmes during the previous financial year and an account of the activities likely to be undertaken during the current financial year."

If the report is to be presented after seven, eight or ten months after the financial year has begun, where would be the time for the House to examine the activities of the Commission for the current financial year. It is for this House to approve or disapprove of those activities and if the report comes much later....

Mr. Speaker: I have followed him. The Minister has stated that it would perhaps take about six months in future.

Shri K. D. Malaviya: Yes, I mentioned it specifically.

Mr. Speaker: He says that he will do it as soon as possible and about six months would be taken. But the objection is, if there is a provision in the Act that it has to be placed before the House and the House has to take into account the current year's project, if there is a delay of six or seven months before placing it on the Table of the House, how would the House get an opportunity to see what programmes are being taken up during the year?

Shri K. D. Malaviya: We learn by experience. The unfortunate thing is that the financial year and the year of working of the Commission do not coincide. It is only after a few months after the close of the financial year that we are able to collect all the data. It is only somewhere in June-July that the Commission gets all the data. Then they have to be correlated and interpreted.

Mr. Speaker: But the objection is that the Act gives a different impression. Therefore some amendment may be thought of.

Shri K. D. Malaviya: That is what I was coming to. We are now considering how some adjustment could be made with a view to come into line with the wishes of the House.

12.35½ hrs.

EXTRADITION BILL*

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): Sir, on behalf of Shri Jawaharlal Nehru, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to the extradition of fugitive criminals.

Mr. Speaker: The question is:

> "That leave be granted to introduce a Bill to consolidate and amend the law relating to the extradition of fugitive criminals."

The motion was adopted.

Shrimati Lakshmi Menon: Sir, I introduce the Bill.

12.36 hrs.

APPROPRIATION (NO. 3) BILL*, 1962

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): Sir, on behalf of Shri Morarji Desai,

---

*Published in the Gazette of India Extraordinary Part II, Section 2, dated 19-6-1962.

[Shri B. R. Bhagat]

I beg to move for leave to introduce a Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1960, in excess of the amounts granted for those services and for that year.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1960, in excess of the amounts granted for those services and for that year."

The motion was adopted.

Shri B. R. Bhagat: Sir, I introduce† the Bill.

12.37 hrs.

APPROPRIATION (RAILWAYS) NO. 3 BILL*, 1962

The Deputy Minister in the Ministry of Railways (Shri Shahnawaz Khan) *rose—*

The Minister of Railways (Shri Swaran Singh): Sir, I beg to move for leave to introduce a Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1960, in excess of the amounts granted for those services and for that year.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1960, in excess of the amounts granted for those services and for that year."

The motion was adopted.

Shri Swaran Singh: Sir, I introduce† the Bill.

12.38 hrs.

ADVOCATES (SECOND AMENDMENT) BILL

Mr. Speaker: Shri Asoke Sen.

The Minister of Law (Shri A. K. Sen): Sir, I ask for your leave to allow the hon. Deputy Minister to move the motion?

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Mishra): Sir, on behalf of Shri Asoke Kumar Sen....

Shri Hari Vishnu Kamath (Hoshangabad): On a point of order, Sir. I think you have ruled in the House earlier that when an hon. Minister is present in the House the hon. Deputy Minister should not move on behalf of him.

Shri A. K. Sen: That is why I took your leave, Sir.

Shri Hari Vishnu Kamath: But why should he ask for your leave?

Mr. Speaker: That is exactly what he has said. If he wants to give an opportunity to a young man, why should we have any objection?

Shri Bibudhendra Mishra: Sir, I beg to move:

"That the Bill further to amend the Advocates Act, 1961, be taken into consideration."

---

†Introduced with the recommendation of the President.

*Published in the Gazette of India Extraordinary Part II, Section 2, dated 19-6-1962.

The point at issue is a simple one, non-controversial in nature and does not offer much scope for discussion. As will be seen, the Bill only wants to substitute the words "31st day of December, 1961" in place of the words "appointed day" in section 24, subsection (1) of the Advocates Act, 1961.

It is known to the House that Chapter III of the Advocates Act which came into force on the 1st December, 1961, which was the appointed day for the purpose of Chapter III of the Act envisages that those who passed the law examination and obtained their degree in law after the appointed day, that is, after the 1st day of December, 1961, have, besides that degree of law, to undergo a course of training prescribed by the Bar Council and have also to appear in an examination. The proviso to section 24 says that graduates, that is, those who have obtained their degree in law before the appointed date, need not undergo this special course of training and further examination prescribed by the Bar Council.

I may also mention that after the Bill was introduced I have given notice of an amendment to the effect that the words "28th day of February 1962" be substituted for the words "31st day of December 1961". I would like briefly to narrate the facts that led to the introduction of the Bill and the amendment given notice of by me.

The examinations of the three Universities in the State of Maharashtra, that is Bombay, Poona and Marathwada, were conducted in the month of September, 1961, but unfortunately whereas the results of the two universities of Marathwada and Poona were published before the 1st day of December, 1961, the results of the Bombay University were published after the 1st day of December 1961, that is on the 12th of December 1961. We received a representation on behalf of the 496 students of the Bombay University. The Bar Council of Maharashtra and the Government of Maharashtra wrote to the Ministry of Law saying that it would amount to discrimination if in the same State, the students of two Universities got a benefit which is denied to students of another University, simply on the ground that though the examinations were held at the same time, the results were published later. That, Sir, led to this amendment and Government thought that it would be better to extend the facilities and benefits given by the proviso to all the students who had appeared in the examination in 1961. Of course, by 1962 the Bar Councils in the different States would come into force and they would be at liberty to prescribe their course of training. That is the idea with which this Bill was introduced, as has been made clear in the Statement of Objects and Reasons.

On the 13th June, 1962 there was a Short Notice Question here about the difficulties experienced by the students of the Kerala University, where also the results were published some time after the 1st of December, 1961. In that connection the Ministry of Law wrote to the different universities asking for the respective dates on which the examination results were announced and decided that the benefit that was sought to be given previously to the students of the Bombay University should be given to the students of all Universities where the results were announced after the 1st of December 1961. The Universities concerned are the Kerala University, where the results were announced on the 6th December, 1961, the Nagpur University where it was published on the 20th December, 1961, and the Patna University where it was published on the 9th of December, 1961.

I would in this connection like to point out the necessity of our coming forward with this amendment. The idea of it is to cover the cases of students of universities where the results were published after the 31st day of December, 1961. The universities concerned are the Gauhati University which published its results on 17th January, 1962 and the Utkal University which published its results on 16th February, 1962. It was considered necessary to extend the date to 28th

[Shri Bibhudendra Mishra]

February 1962 so that the cases of all the students of all the Indian Universities who had appeared for examination in Law may be covered. Students passing after this date will not be governed by the proviso and their course of training will be prescribed by the Bar Council. That is why this Bill has been introduced. That is the purpose of this Bill, and that is why this amendment has been introduced. It only seeks to confer on the students of Indian universities who have appeared in the Law Examination in 1961 the benefits of the proviso to section 24 of the Advocates Act.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Advocates Act, 1961, be taken into consideration."

Shri Daji (Indore): Sir, we generally support the Bill as it has been put forward, and also the amendment In fact, after the explanation given by the hon. the Deputy Minister about the latest amendment which he has introduced, there is not much to be said. Only, we want to point out that there may be some other universities where the results might have been delayed a little more, and the same principle should be applied to all those universities where the examinations were held prior to the introduction of the original amendment and the results delayed. So on that score we would welcome the original Bill and the latest amendment that has been introduced by the hon. Minister.

I would, however, take this opportunity to point out one or two things. With the setting up of this uniform system of advocates throughout India, the question of uniformity in the education of Law Graduates should also be taken up necessarily and also immediately. At present the courses are much different, the standards are much different. And therefore, when you have given the right to the advocates enrolled under this scheme to appear even in the Supreme Court, under the rules—that may be different—it is necessary that we should go forward and bring forth a comprehensive legislation laying down...

Shri A. K. Sen: The hon. Member should know that that duty has been left to the Bar Council.

Shri Daji: The difficulty with the Bar Council would be that different Bar Councils may prescribe different standards.

Shri A. K. Sen: The All India Bar Council.

Shri Daji: There is an All India State Bar Councils will prescribe the rules....

Mr. Speaker: But there is an All India Bar Council. That can take up this matter.

Shri A. K. Sen: It has been given that responsibility.

Shri Daji: There is an All India Bar Council. But under the rules, the State Bar Council will do it. It that is not so, then I stand corrected. Then of course it will be uniform.

Then the question should also be taken up—whether by the All India Bar Council or by the Central Government—about the general approach to the advocates. The advocates should be helped and made to orientate about the social purpose, rather than to individual purpose. It is not yet realised fully in our country that the professional duties of an advocate should also be taken as sacrosanct as the duties of the medical profession. Maybe the medical profession deals with the question of life and death. But advocates also should be so fashioned as to look upon their own work as a work of assisting the courts, assisting justice, and they should be assisted to look upon their work in that way. Under the present conditions of competition, in the stress and strain of competition, unfortunately that may not be always so. Therefore it has become a ques-

tion of prime necessity that the work of the advocates should be assessed also from the aspect of social value, not only from the aspect of an individual's profession earing money. From this point of view the matter should be given due importance. I do not know what could be done in the matter. But some sort of legislation, or of the All India Bar Council doing it, is very necessary. Because, on the one hand we find extreme rush in the profession. On the other hand we find concentration of the actual work in the hands of a few persons. So many new persons are struggling hard, and as a result of this the moral standards and the professional standards are affected. Therefore it should not be a question only of leaving it to the Bar Council to lay down the rules of recruitment, but after recruitment also, how can the profession be brought up and made to feel a social purpose, this question also should be taken up.

Shri Khadilkar (Khed): Mr. Speaker, I welcome this amendment to the Advocates Act as proposed by the present Bill. I would like to compliment the Law Minister and the Law Ministry for bringing this technical type of amendment to the original Act in order to remove the hardships caused to a few hundred students in Bombay and elsewhere. When the original Act was passed by the House, perhaps due to oversight this question of dates of declaration of results of the Bombay University or the Poona University were not properly ascertained and as a consequence, certain hardships were experienced by our law graduates who could not be enrolled under the Act that we passed during the last session. There was pressure for time. This need not be disclosed. namely, as the Law Minister said that this Bill should be passed in this session so that immediately the law graduates of Bombay and Poona could get advantage and therefore the Minister for Parliamentary Affairs and the Law Ministry did their best to bring forward this measure.

Certain suggestions made by the hon. Member from the Opposition, perhaps, are not relevant on this occasion. Because, when the Bill was adopted during the last session, all these points were taken into consideration. As I said, this amendment is of a technical nature to remove a specific grievance experienced by some students in Poona and Bombay, about 400 or so. One good thing the Ministry has done is, while introducing an amendment, they have taken into consideration results of other universities and extended the benefit by introducing a suitable date so that other law graduates also would benefit by this amendment. I need not add anything further. I again thank the Ministry for bringing this measure to remove an anomalous position.

Shri Shivaji Rao S. Deshmukh (Parbhani): Mr. Speaker, I am one with the Law Ministry that this amendment has been brought to the Advocates Act not a day earlier. The Law Ministry should take further precaution to see that all the Universities which have declared their results subsequent to 1st December, 1961 are now covered by the subsequent amendment. Even an official amendment to an Amending Act does not sound well. That precaution should have been taken by the Ministry prior to moving this amendment I wish such sort of precaution is always taken by the Law Ministry Curiously, a further amendment even before these amendments are taken into consideration, at the hands of the Law Ministry particularly, does not create a very good picture.

I wholeheartedly congratulate the Law Ministry for doing away an injustice and for removing certain hardships experienced by the Bombay University. But, at the same time, I wish to draw the attention of the Law Ministry to an incidental inaccuracy in the Statement of Objects and Reasons, in which the

[Shri Shivaji Rao S. Deshmukh]

Law Ministry has stated that the Maharashtra State has got three Universities, Poona, Marathwada and Bombay. I wish to correct this. Nagpur University also happens to be in Maharashtra. I hope the hon. Deputy Minister will take further care while compiling the Statement of Objects and Reasons and making statements on the floor of the House that such inaccuracies do not occur in future. Particularly the way in which this amendment has been moved and the way in which certain Explanations have been added to section 24 throws a certain doubt as to the standard of legal drafting that the different Ministries undertake. It will be seen that section 24 (2) mentions the appointed day. This appointed day has been clarified by way of a definition somewhere else, that this appointed day shall mean the date on which certain provisions come into force by publication in the Official Gazette. This appointed day is, now sought to be replaced by a particular date. It will be perfectly logical to expect that the Law Ministry should have taken care to see that the particular definition which has become redundant because of substitution of this appointed day by a specific date is also repealed or removed. Such steps do not appear to have been taken. Therefore, I ventur to suggest by way of oral notice that certain amendments consequent on the appointed day being replaced by a specific date should also be looked into by the Law Ministry. Further, the very structure of the Advocates Act and especially this particular section 24 has created so many difficulties that I think the Law Ministry should consider further amendments to the Advocates Act at a very early stage.

For instance, section 24 mentions that a particular graduate who obtains a law degree on the appointed day shall be entitled to practise and register or enrol himself as an advocate. And the 'obtaining of a degree'—is sought to be explained by the insertion of an explanation to the effect that "obtaining of a degree' shall mean the 'passing of a law examination', which is a contradiction in terms. I would submit that instead of adding an explanation which fails to explain the particular terms, the Law Ministry should have taken care to amend the law in such a way that instead of the words 'obtained a degree', the words 'passed a degree examination in law' should have been inserted. But such words have not been inserted. I should say, therefore, that this shows a very sorry state of legal drafting, and this House should take cognizance of this that henceforth the Bills should be better drafted and moved for consideration at the proper time in the proper perspective, accompanied by proper statements.

With these words, I further congratulate the Ministry, and I expect that these remarks will help the Law Ministry towards proper drafting in the future.

Shri Hem Raj (Kangra): I congratulate the Law Ministry that they have removed a technical defect in the Act which was passed only a year back. But the main object with which this Act was passed has not been achieved. That is what I would like to remind the House of. The main object of the passing of the Advocates Act was that there should be a unified bar. But, even after the passing of this Act, though I had asked some questions on this subject, I have not been told what has happened.

There will still be two classes of legal practitioners; the one will be advocates, and their number, as far as I am aware, is something of the order of 36,000, but there will be another class of legal practitioners who will still remain as pleaders.

and they will not be able to enrol themselves as advocates simply because the fee fixed under the Stamp Act is such that they will not be in a position to pay it.

Shri A. K. Sen: On a point of order. This is not relevant to the amending Bill.

Mr. Speaker: It is not.

Shri Hem Raj: That is why I have said that I am just reminding the House of the fact that even after passing the examination, there will be several advocates who will not be in a position to pay the fee. While answering a question here, the Law Minister had stated.....

Mr. Speaker: The question before us is a very limited one.

Shri Hem Raj: It has a very limited scope, but what I am pointing out comes within the scope of the present Bill.

Mr. Speaker: Now, the hon. Member is taking up the larger question of advocates being divided into two classes, and saying that there is one class of persons who are unable to pay the fees prescribed, and who, therefore, cannot enrol themselves as advocates. That question might be taken up on a different occasion.

Shri Hem Raj: But, so far as the legal profession is concerned, with the coming into force of the new Act, they will also be affected. That is why I say that this Bill also covers such cases.

It has been stated that some of the States have agreed to do away with the stamp duty, while others have not consented, while there are certain others who say that they are considering the question.

But what I would say is that in order to have a unified Bar, it should be the effort of the Law Ministry to bring all the States in line, so that there will be uniformity in the whole of India, so far as the fixing of the stamp fee is concerned.

With these words, I support the Bill.

13 hrs.

Shri K. L. More (Hatakanangle): I rise to support the Bill and the latest amendment tabled by the hon. Minister. My first and foremost duty is to congratulate the Minister on bringing in this amendment. The Statement of Objects and Reasons clearly says that this is to prevent unintended hardships on, and discrimination against, the students of Bombay. So in order to remove this injustice, the right step has been taken and I am grateful to the Ministry.

The amendment is very simple. For the words 'appointed day' the figures, letters and words '31st December 1961' is sought to be substituted. The latest amendment is intended to cover the other cases, because the examinations were held in October, but the results were published afterwards. In Bombay University, the results were published on 12th December, that is, after the original appointed day. If this had been retained as it was, it would have amounted to injustice to those students. Now that injustice is being removed.

I support the Bill.

Shri A. K. Sen: I would not have indulged in any reply because there has been unanimous support for the Bill, but for the remarks which fell from one of the hon. Members. It is my duty to deny the responsibility that the anomaly has been caused by reason of the original day, 1st December, being fixed as the appointed day, because by that time the Bar Councils were set up and none of them pointed out, when the appointed day was fixed, this difficulty. In fact, one of

[Shri A. K. Sen]

the complaints is that notwithstanding a specific representation to one of the Bar Councils, the Bar Council did not follow it up. I do not know how the Law Ministry comes into the picture at all, because the appointed day is fixed in consultation with different Bar Councils. If the Bar Councils do not point out the difficulties in their own sphere, I do not know how the drafting of the law in the Ministry can have anything to do with it. If I may say so with respect, it is not a question of drafting; it is a question of substance that should have been pointed out by the different Bar Councils at the time the appointed day was fixed.

Apart from that, when the last amendment was discussed, none of the hon. Members pointed out these anomalies That shows that before the election we were too busy with other matters and did not attend to these matters which were not possibly so important then.

With regard to the other amendment suggested to the drafting, namely, 'passed a degree' instead of 'obtained a degree', if I may say so with respect to the hon. Member, it would have been grammatically wrong. One does not pass a degree; one obtains a degree.

Shri Shivaji Rao S. Deshmukh: I said, 'passed a degree examination'.

Shri A. K. Sen: Even then, it would have been equally difficult because sitting for the examination does not mean passing a degree examination The point that arose was: which is the date when the man passed the degree examination? Some Bar Councils took the view that the date on which the results are published should be the date; others were of the opinion that the day when the formal document is handed over to the graduate should be the date—which I thought was taking a very formalistic view of the matter.

Anyway, these are the questions of interpretation which can only be cleared by explanation. The explanation alone could have cleared it up; using the words 'passing a degree examination' would not have removed the difficulty at all.

Shri Prabhat Kar (Hooghly): The Maharashtra Bar Council took that view about his getting the certificate.

Shri A. K. Sen: The question was explaining what was meant by 'obtaining a degree'. 'Passing a degree examination' would also have been beset with the same difficulty.

With this submission, I recommend the Bill for consideration

Mr. Speaker: The question is:

"That the Bill further to amend the Advocates Act, 1961 be taken into consideration."

The motion was adopted.

Clause 2—(*Amendment of section 24*).

Amendment made:

Page 1, line 7,—for "31st day of December, 1961", substitute—'" 28th day of February, 1962" '. (1)

(Shri Bibudhendra Mishra)

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill

Clause 1, the Enacting Formula and the Long Title were added to the Bill

Shri Bibudhendra Mishra: I move:

"That the Bill, as amended, be passed"

Mr. Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

12.06 hrs.

MOTION *RE*: CONDUCT OF ELECTIONS RULES

Shri Shree Narayan Das (Darbhanga): I beg to move:

"This House resolves that in pursuance of sub-section (3) of section 169 of the Representation of the People Act, 1951, the following amendment be made in the Conduct of Elections (Second Amendment) Rules, 1962, laid on the Table on the 19th April, 1962, namely:—

omit rule 3.

"This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution'."

The Conduct of Elections (Second Amendment) Rules 1962 is an amendment to the Conduct of Elections Rules 1961, made on 15th April 1961. Here I would like to read rule 93, as it existed originally:

"'93. *Production and inspection of election papers.*—(1) While in the custody of the returning officer—

(a) the packets of unused ballot papers;

(b) the packets of used ballot papers whether valid, tendered or rejected;

(c) the packets of the marked copy of the electoral roll or, as the case may be, the list maintained under sub-section (1) or sub-section (2) of section 152; and

(d) the packets of the declarations by electors and the aatestation of their signatures;

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent court or tribunal."

Rule 3 which I seek to omit is an amendment of the last six words of Rule 93(1). It has substituted the words "of the Election Commission or of a competent court or tribunal" for the words "of a competent court or tribunal". That is to say, these papers shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of the Election Commission or of a competent court or tribunal.

In this connection, I would like to say that during the last 12 or 13 years that these rules have been in force, there has been no occasion for the Election Commission to open such papers as are kept in the custody of the returning officer and are only to be opened by a competent court or tribunal. I do not know what circumstances have prompted the hon. Minister to formulate this rule under section 169 of the Representation of the People Act, 1951.

So far as the papers which are kept in the custody of the returning officer under rule 93 are concerned, some of them are only required at the time when some election petitions are filed and election tribunals are constituted to look into the things. If the competent court or the competent election tribunal finds it necessary to look into these papers, they ask the returning officer to produce them, and they are examined and scrutinised. But even during the scrutiny, sufficient care is taken to see that the secrecy of the ballot is not revealed.

In this connection, I would like to point out also that the Election Commission has nothing to do with the hearing of the election petitions. Although the election petitions are filed before the Election Commission, they have only to see whether the rules framed in this regard under the Representation of the People Act have been complied with or not. The Election Commission has the right on certain points to reject or dismiss the election petitions at the time they are submitted, but if the election petitions are in order or according to the rules, the Election Commission has no right

[Shri Shree Narayan Das]

to look into the facts of the case, and everything goes before a competent tribunal which can look into all these papers. As I have said before, I have not been able to see the necessity of giving this power of production and inspection of these papers, which can only be inspected by a competent court, to the Election Commission.

The Election Commission is not a judicial body, it has got practically no judicial powers. There are two points I would like to urge. As has been pointed out already, under existing rule 93, the papers cannot be inspected by anybody save and except a competent court. The idea is that these pieces of paper which are packed by the returning officer and kept in his custody are pieces of evidence, and they can be inspected only in connection with some petition by a competent court if required for judicial purposes. Therefore, I have given notice of my motion that this modification should be made.

I have tried to find out whether such rules exist in other countries. Although I have not been able to find the rules in other countries, I have got some information about the U.K., on whose model our Representation of the People Act has been framed, although there may be some modifications here and there. Therefore, I would like, for the benefit of the House, to say that under their Parliamentary Election Rules, second schedule, there is a rule, rule 56, which says that when the counting is over and the results have been declared, all these papers are packed by the returning officer and sent to the Clerk of the Crown, and they are kept in his custody.

Then rule 57 deals with the order for the production of the documents, and I would like to read it for the benefit of the House. It says:

"57.—(1) An order—

(a) for the inspection or production of any rejected ballot papers in the custody of the Clerk of the Crown; or

(b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

may be made—

(i) by the House of Commons; or

(ii) if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition, by the High Court or a county court.

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the said custody may be made by an election court.

"(3) An order under this rule may be made subject to such conditions as to persons, time, place and mode of inspection, production or opening as the House of Commons or court making the order may think expedient."

I will not take more time by quoting this. This fully indicates that such papers are only inspected in a court. The Election Commission is no doubt a very important body and the Constitution has charged it with the duty of holding the elections to the various legislatures and Parliament as also the election of the President. I do not deny that it is an important and impartial body, but I do not see any necessity of giving it this power of opening or inspecting the papers which are pieces of evidence and which can be produced only in a court. I have not been able to understand the circumstances that have prompted the Government to make this addition

which was not found necessary during the last 12 or 13 years.

With these words, I commend my motion and hope that it would be considered by the House and supported.

Mr. Speaker: Motion moved:

"This House resolves that in pursuance of sub-section (3) of section 169 of the Representation of the People Act, 1951, the following amendment be made in the Conduct of Elections (Second Amendment) Rules, 1962, laid on the Table on the 19th April, 1962, namely:

omit rule 3.

This House recommends to Rajya Sabha that Rajya Sabha do concur in the said resolution."

श्री सरजू पाण्डेय (रसड़ा) : अध्यक्ष महोदय, मैं ने अभी माननीय सदस्य, श्री श्रीनारायण दास, के भाषण को ग़ौर से सुना है । यह बात मेरी भी समझ में नहीं आई कि सरकार क्यों इस रूल को अमेंड करने जा रही है । पहले इलैक्शन रूल्ज में इस बात की व्यवस्था थी कि इलैक्शन पेटीशन के कागज़ात को सिवाये अदालत के दूसरा कोई नहीं देख सकता । लेकिन यह बात समझ में नहीं आती कि ऐसी कौन सी स्थिति उत्पन्न हुई, जिस के कारण सरकार यह अधिकार इलैक्शन कमीशन को देने जा रही है कि वह भी इलैक्शन पेटीशन के सिलसिले में इन कागज़ात को देख सकता है । इस सिलसिले में मैं यह निवेदन करना चाहता हूं कि मैं माननीय सदस्य, श्री श्रीनारायण दास, के प्रस्ताव के समर्थन में और सरकार के संशोधन के विरोध में बोलने के लिए खड़ा हुआ हूं । यह बात समझ में नहीं आती कि सरकार समय समय पर क्यों इस किस्म के संशोधन लाती है, जिस से हमारे प्रजातांत्रिक अधिकारों पर कुठाराघात होता है । सब को यह बात मालूम है, इस सदन के अधिकांश मेम्बरों को और सारे देश को यह मालूम है कि इलैक्शन कमीशन एक एक्सीक्यूटिव बाडी है और उस को फ़ैसला करने का कोई अधिकार नहीं है । जिस को फ़ैसला करने का अधिकार नहीं है, लाज़िमी तौर पर उन कागज़ात को देखने का अधिकार उस को नहीं होना चाहिए, जिन पर वह अपनी राय नहीं दे सकता । यह एक सैद्धान्तिक बात है, जिस को सरकार को नहीं करना चाहिए ।

आप देखेंगे कि मामूली मामूली मामलात में पुलिस के कागज़ात को सिर्फ़ अदालत ही देख सकती है, दूसरा कोई आदमी उन को नहीं देख सकता है । किसी मुकदमे के सिलसिले में पुलिस अपनी डायरी में बीसियों बातें लिखती है, लेकिन सिवाये अदालत के किसी आदमी को उसे देखने का राइट नहीं है । फ़र्ज़ कीजिये कि इलैक्शन कमीशन कुछ कागज़ात को देखता है और अपनी राय उन में लिख देता है, तो उस का असर अदालत पर पड़ेगा और फ़ैसले से पहले वह एक ग़लत बात होगी, जो कि नहीं होनी चाहिए । अभी अभी मुझे मालूम हुआ कि गोंडा में इलैक्शन कमीशन ने पेपर्ज को देखने की कोशिश की, लेकिन हाई कोर्ट में मुकदमा हुआ और उस ने कहा कि इलैक्शन कमीशन नहीं देख सकता है । हाई कोर्ट ने मना कर दिया कि इलैक्शन कमीशन को राइट नहीं है कि वह उन कागज़ात को देखे ।

इन हालात में पता नहीं सरकार ने यह क्यों ज़रूरी समझा है कि रूल्ज को अमेंड कर के इलैक्शन कमीशन को भी अधिकार दे दिया जाये कि वह भी कागज़ात को देख सकता है । इस तरह से तो इलैक्शन की गुप्तता खत्म हो सकती है । हम इलैक्शन को गुप्त रखना चाहते हैं और इस अमेंडमेंट के बाद वह सम्भव नहीं होगा । हज़ारों पेटीशन्ज दायर की जायेंगी, हज़ारों झूठे मामले दायर किये जायेंगे, सारी प्रोसीडिंग्ज बढ़ जायेंगी और नतीजा यह होगा कि हर एक आदमी पेटीशन दायर करेगा और इलैक्शन कमीशन से डिमांड करेगा कि वह कागज़ात को देखे ।

[श्री सरजू पाण्डेय]

इलैक्शन कमीशन जिस तरह स्वतंत्रतापूर्वक फंक्शन करता है, उस के बारे में मैं ज्यादा नहीं कहूंगा । पूरी सरकारी मशीनरी पूरे तौर से पार्टी के मकसदों के लिए चलती है । इसका नतीजा क्या होता है यह मैं आपको बतलाना चाहता हूं । मैं उत्तर प्रदेश की ही बात करता हूं । वहां जब इलैक्शन कमिशन ने उम्मीदवारों के लिए बैलट पेपर्ज बनाये तो वहां पर जो कम्युनिस्ट उम्मीदवार खड़ा किया गया था, जिसको नमूने के लिए ही पेश किया गया था, बैलट पेपर पर उस कम्युनिस्ट उम्मीदवार का नाम जय चन्द लिखा हुआ था और इसको छापा गया था । बाकायदा तौर पर चूंकि कम्युनिस्ट उम्मीदवार का नाम उस वक्त दिया गया, इस वास्ते वहां पर लोगों पर नैतिक प्रभाव डालने के लिए कि कम्युनिस्ट जय चन्द है, और ये कम्युनिस्ट लायल नहीं हैं, इस चीज को सारे सूबे में, इलैक्शन कमिशन की इजाजत से फैलाया गया

श्री त्यागी (देहरादून) : वह कम्युनिस्ट उम्मीदवार नहीं था ?

श्री सरजू पाण्डे : वह बाकायदा उम्मीदवार नहीं था । मगर जय चन्द, अमीं चन्द और फलां चन्द नाम दिये गये थे और उनका सिम्बल बनना था . . . .

श्री त्यागी : नमूने का बैलट पेपर जो था उस पर कम्युनिस्ट का नाम जय चन्द दिया गया था ?

श्री सरजू पाण्डेय : जी हां ।

श्री त्यागी : इत्तिफाक से हो गया होगा ।

श्री सरजू पाण्डे : इत्तिफाक से नहीं, बल्कि जान बूझ कर किया जाता है ।

श्री सिंहासन सिंह (गोरखपुर) : इत्तिफाक से सही बात हो गई है ।

श्री सरजू पाण्डेय : सही बात क्या है, इस में मैं इस वक्त जाना नहीं चाहता । कम्युनिस्टों का इतिहास इतना गन्दा नहीं है जितना आप समझते हैं । अगर आप इस पर बहस करना चाहें तो अभी इस पर बहस हो सकती है . . . .

अध्यक्ष महोदय : मेरा क्या कसूर है ?

श्री सरजू पाण्डय : इस सवाल को बार बार उठाया जाता है । मैं नहीं चाहता कि इसको उठाया जाये । इसको छोड़ दिया जाना चाहिये ।

जो रूल पहले था उसमें लिखा हुआ है :—

Packets of the declaration by electors and the attestation of their signatures shall not be opened and their contents shall not be inspected by or produced before any person or authority except under the order of the competent court or tribunal.....

उसको आगे आप इस तरह से एमेंड कर रहे हैं :—

....under the order of the Election Commission or competent court or tribunal.

यदि इसको इस तरह से एमेंड कर दिया जाता है तो इससे जो हमारे बुनियादी अधिकार हैं, उन पर आघात आप करते हैं । यह संशोधन नहीं होना चाहिय । अगर इलैकशन कमिशन को यह अधिकार दे दिया जाता है तो बहुत सी अनुचित बातें हो सकती हैं । उत्तर प्रदेश के बारे में अभी एक बात मैं कह चुका हूं । मैं वहीं से चुन कर आया हूं । श्री सी० बी० गुप्त की वहां पर लीडरशिप है . . . .

अध्यक्ष महोदय : : आप किसी का नाम न लें ।

श्री सरजू पाण्डेय : नाम नहीं ले रहा हूं ।

उपाध्यक्ष महोदय : अभी आपने नाम लिया है । यह मुनासिब नहीं है ।

श्री सरजू पाण्डेय : माफ कीजिये मजबूर हूं । उनको क्या कहा जाये । किस तरह से उनको रेफर किया जाय ।

मैं उनका नाम नहीं लेता । लेकिन राज्य सरकार के बारे में मैं कह सकता हूं कि दुनिया भर की शरारतें वह इलैक्शन के दौरान में कराती है और अगर इसका सबूत चाहिये तो वह भी मैं दे सकता हूं । अब अगर इलैक्शन कमीशन कों यह पावर दी जायेगी तो लाजिमी तौर पर विरोधी लोगों के खिलाफ इसको इस्तेमाल करने का राज्य सरकार को मौका मिल जायगा और लोगों को न्याय नहीं मिल सकेगा । इसके बारे में कोई बड़ी आर्गुमेंट देने की जरूरत नहीं है । मैं ला मिनिस्टर साहब से निवेदन करूंगा कि वह इसको प्रेस्टीज का सवाल न बनाये । यह अधिकार इलैक्शन कमिशन को न दिया जाये और इसको केवल अदालतों तक ही सीमित रखा जाये क्योंकि हम समझते हैं कि कम से कम न्याय मिलने की अदालतों से ही आज उम्मीद की जा सकती है ।

Shri S. S. More (Poona): Sir, we are left guessing regarding the reasons the Government have to bring this sort of amendment: it will be useful for our discussion if the Government could put in their own statement.

Mr. Speaker: If some Minister wants to intervene and feels that he should just explain the reasons, that is a different thing. But the motion has been brought forward by a private Member.

Shri S. S. More: In the interest of facilitating discussion I am making this suggestion. Otherwise, everybody is saying and we are wondering as to what are the reasons which have persuaded Government to do so.

Mr. Speaker: I quite appreciate that but it is for the Ministry. I cannot direct them to do this.

Shri S. S. More: I am only requesting the Minister through you.

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Mishra): May I state the facts that led to the amendment of the rules? It was not with any ulterior motive, that it has been done. It was on the suggestion of the Election Commission itself that it was done. Besides the ballot papers mentioned in rule 93, there are also certain other papers connected with election such as the account of ballot papers, polling agent list and all that. The ballot papers cannot be examined without the permission of the court but the account of the ballot papers or the copies of the polling agents can be inspected. Now it so happened in two constituencies in Uttar Pradesh the leader of the opposition in the last U.P. Assembly wanted to inspect the ballot paper accounts and it was found that they were inadvertently put in the cover itself. What was to be done in that case? The party was entitled to inspect certain documents but those documents were kept in the packet of ballot papers by some mistake by the presiding officer or the returning officer. Either he should be denied the right that he has been given under the law and I do not think the hon. Members would consider it to be fair; or some authority should be given to the Election Commission to open it. The Election Commission thought that in the interest of proper conduct of elections, it should be given that power.

A question was raised whether under article 324 of the Constitution, wherein the Election Comission has the power to conduct elections such a thing could be ordered. The Commission was of the view that it would

[Shri Bibudhendra Mishra]

be better if rule 93 was amended so that power could be given to them to take the necessary step and remove the other papers that were put in by inadvertence and give them to the parties for their inspection. So, these were the circumstances that led to the amendment of the rule.

Shri Sinhasan Singh: Sir, this amendment gives wide powers to the Election Commission to go into the whole ballot papers of election even after the declaration of the result by the returning officer that so and so had been declared elected.

13.20 hrs.

[MR. DEPUTY-SPEAKER *in the Chair.*]

Some papers were open for inspection to everybody. The other papers which are meant to be secret could be opened only by order of a competent court or tribunal; that is, when election petitions are filed and so on and not otherwise. Article 324 provides for superintendence, direction and control of elections to be vested in an Election Commission. The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State are vested in the Election Commission. It starts from the preparation of the electoral rolls and goes up to the submission or the declaration of the election results. After the final declaration of the results, has it any power to go further into the elections or any part of them? The matter to be considered is whether any powers should be given to the Commission under article 324. I feel that the power of the returning officer ceases the moment he declares the election results and says under rule 65 that so and so has been elected. Rule 64 says:

> "Declaration of election result: The returning officer shall then, subject to the provisions of section 65 if and so far as they apply to the particular case declare to be elected the candidate to whom the largest number of valid votes has been given, complete and certify the return of election in form 21 and send signed copies thereof to the Election Comission and to the Chief Electoral Officer".

The whole election ends when under rule 64, the returning officer makes the final declaration and gives the information to the Election Commission and thereafter the name, etc., of the elected Candidates are gazetted. There is nothing left, thereafter, either for the returning officer or for the Commission to go into it. How the trouble has arisen, as the hon. Deputy Minister has pointed out, is this way. It arose out of a certain dispute probably at Gonda. There is a provision for recounting. At Gonda after the declaration and preparation of the Form No. 20, recounting was demanded. After filling that form, recounting is allowed. Two recounts were allowed. When the counting was going on, the other party approached the Commission with the observation or request that the recounting was made maliciously and the papers had been shown and manipulated this way or that way; that valid papers were made invalid and invalid papers were made valid and so on. Some allegations were made against the returning officer. The Election Commission authorities ran up to Gonda when the trouble took place. The Commission wanted to go into the whole facts again, to find out whether the recounting was properly done or not. Thereupon the party who applied for the recounting went to the High Court and filed a writ petition. The Election Commission had not the power, after the declaration of the results was made by the returning officer that so and so had been declared elected after a recount, to inspect the papers again and to declare, after a recount, that some other person

had been elected. The man who was declared elected ran up to the high court and filed a writ petition to the effect that the Election Commission should not be allowed to re-inspect the papers which had been sealed by the returning officer after the declaration of the results of the election.

Thereafter, as the Deputy Minister said, the Election Commission probably felt it as an insult—might be, owing to human weakness which is there—and the Chief Election Commissioner went and persuaded the Government to see that power is given to the Election Commission even to inspect the papers after the declaration of the election results. That is the point. The Government have acceded to his request and have amended the rules. Probably it is a rare occasion in this House when the rules that are framed by the executive are discussed in Parliament. There is a Subordinate Legislation Committee which goes into such things; otherwise, the rules framed by the executive officers under the provisions of the Act go unheeded by Parliament, and the rules continue to exist there. But, somehow or other, this thing attracted the notice of Shri Shree Narayan Das, and he and myself sat together and felt that this rule should not be allowed to be amended.

All these rules that are framed under the Act are framed in consultation with the Election Commission. This rule, as it originally stood, was also framed in concultation with the Commission, but it then did not feel that the power should be given to them to re-inspect the papers even after the declaration of the results. All the rules that have been framed have been framed under section 169 of the Representation of the People Act, 1951, and this section starts by saying that the "Central Government may, after consulting the Election Commission, by notification in the official gazette, make rules" and so on. These rules cover the manner in which votes are to be given, etc., and also include the following:

> "the safe custody of ballot boxes, ballot papers and other election papers, the period for which such papers shall be preserved and the inspection and production of such papers".

So, everything was done after due consultation with the Election Commission. At that time, the Election Commission did not feel the necessity that it should be given the power to have the right of inspection even after the declaration of results. Now that such an incident has happened, the Commission wanted to have this power. My submission is, if this power is given, what will be the result. After the papers have been sealed, and a candidate has been declared elected and his name is gazetted, and the candidate takes the oath and takes his seat, the Election Commission cannot change the nature of the election nor can the Chief Election Commissioner declare that the person who has been declared elected by the returning officer has not been duly elected. That right vests only on the returning officer—to declare or not to declare a candidate to have been elected—and not with the Election Commission. The Election Commission cannot do anything after the results have been declared, except making a note that it has inspected the elections papers generally and say if there is something spurious, something wrong here and there, which may help one party or the other in the election petition when the party concerned files a petition later. But to give powers of re-inspection will mean that the Election Commission will be prejudging the result of the election petition. Giving the right to inspection means prejudging the result of the election pertition which may or may not be field by the defected candidate. So, there must be some purpose behind the conferment of this power to the Election Commission. What can the Election Commission do, what goods can the Commission deliver to anybady,except that it can make a note here and there

[Shri Sinhasan Singh]

against the returning officer, a note against the propriety or honesty of the returning officer? That means prejudicing the interests or prejudging the result of the election petition if any.

My submission is, the rule as it stands is a very sound rule. It is not only so here in India, but it is so in the United Kingdom as well. Even in the United Kingdom, on whose law of elections the whole of our election law is based, the right of inspection is not allowed to anybody except to the competent court, tribunal or the House of Commons. A man can inspect only on the order of the House of Commons or on the order of the competent court or the tribunal. The Commission is not given this right there even. So, why should this power be given to the Election Commission here? We have taken our whole procedure from those of the English election law, and there too, there is no such power given to the Election Commission.

Therefore, I plead with the Deputy Minister not to make it a prestige point that whatever they do they do the right thing and they never do the wrong thing. If a wrong thing is done, if unnecessary power is being taken, let him not insist that it should be there. When Parliament feels that this power should not be given to the Election Commission, and if any power is given to any man, it must be done with a set purpose. There is no purpose behind this. This power should not be given. After the election ends, after the declaration of the results, it is the tribunal alone which can declare whether the election has been valid or not. The results of the election cannot be changed by any other way except by an election petition. That is the law as it stands, and that law should be respected and honoured. Let not the Election Commission, howsoever big it may be, be given such powers to re-inspect the papers which are meant to be secret, and which can be opened only in a court when there is an election petition, to give proper justice to the party.

Shri Tyagi: It is very good for my hon. friends to have argued against the inclusion of this power to inspect the papers, which has been conferred on the Election Commission. They have quoted the practice and the conventions in the United Kingdom. It is very good to quote them. Actually, I also submit that the services in the United Kingdom and the Governmnt there also enjoy a great prestige as far as their methods of working are concerned. Unfortunately in India the traditions have been upset in this democracy by the present-day politicians. When I say politicians, I include all the parties, whether they are in power or in the opposition. It must be confessed openly—and I am fearlessly making the statement—that today the services in India have been demoralised to an extent that it is not possible for the people to trust them. Therefore, there are instances. Whereas in England, even a police constable will never tell a lie even at the cost of his life, here even High Court Judges can be influenced; this is what the position has come to. Whatever the lawyers might say, facts must be narrated before this House. I know the manner in which the High Court Judges are appointed. Some favourites are pointed our first; they are first chosen. So long as the list does not contain those favourites, the list is rejected, whether they are recommended by the Supreme Court Judges or the High Court Judges. This is what the executive is doing in the olden days, of course for the British, the District Magistrates did quite a lot, but if there was a case between Indians and Indians, in spite of any influences from higher circles, the District Magistrate would never demean himself to be unfair to one of the parties and they used to maintain justice.

Now the services depend on the executive. Therefore, through telephone calls and influences, they are prepared to do anything. That is the position. We, who are in power know it. Those who are not in power also know it. It is common knowledge

now. I have seen myself returning officers and other election officers working in polling booths influencing on one side or the other. It is not that always every officer supported the Congress. There were quite a few who were Jan Sanghis. Against me, they were supporting the Jan Sangh candidate. When I checked him, he begged my pardon and there was no use taking action. The House knows and those who have gone into elections know what type of people they are.

I would recommend to the Minister to make it a penal offence and if not capital punishment, at least there should be immediate dismissal of a Government employee who is not working absolutely impartially in polling booths. A complaint that an officer was partial must be deemed to be sufficient to get him immediately dismissed. It must be made a penal offence and very heavy punishment should be given to such persons as are not keeping absolutely impartial in the matter of election, because election is the process which gives democracy a shape.

Shri Hari Vishnu Kamath (Hoshangabad: You said, even capital punishment.

Shri Tyagi: I said, if not capital punishment, they should be given the severest punishment, so that they may know that any little wavering from the path of justice would bring them into difficulties.

Suppose there are cases where, as reported in many cases, the returning officer reports that there were some ballot papers which were absolutely blank and vacant, without any seal. It is declared by the returning officer under his signature that so many ballot papers are invalid. A recounting is allowed and it is found by the higher officer that there is no blank paper at all and every ballot paper is sealed. Then, who is to verify which of the two officers is right? It is when this type of complaint comes that the Election Commission should come into the picture and see that fair election is conducted. It is not for the Election Commissioner to give his judgement as to who is elected. But it is the constitutional right of the Election Commission to see to it that elections are conducted absolutely impartially. If there is any irregularity, no other man is the guardian, except the Election Commission, according to the Constitution.

Shri Sinhasan Singh: Inspection comes after the person is declared elected. The rule provides for the inspection after the result is announced. It is to that that we are objecting.

Shri Tyagi: An officer, who can mutilate the papers before counting, can do it after counting also. Therefore, the Election Commission must come in between. After all, the Election Commission is not required by these rules to nullify the judgement given by the counting officer and give its own judgement. No. The Election Commissioner only wants to be a witness to the fact that such was the position, so that there may be no further mutilation of the papers. That is all it guarantees, because there were verious complaints by parties, mostly belonging to the opposition. The Election Commission has been given the duty of superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the Parliament and to the Assemblies. So, from beginning to end, the Election Commissioner is in charge and he has to see that everything goes without any doubt. It is only with a view to enable him to see that there is no partiality and every move in an election is conducted in an impartial manner that he wants to be a witness to what has happened. He must at least be in the picture. That is the only right given to him, so that people may not say afterwards that hundreds and thousands of ballot papers were declared invalid.

During the last elections, very serious complaints were brought to

[Shri Tyagi]

the notice of the Election Commission, but the Election Commissioner could not proceed because he had no right to peep into the papers. So, certain parties had a feeling of injustice and injury. They should be satisfied. I think, whatever be the Government, as far as elections are concerned, every party, whether in the opposition or on the side of the Treasury Benches must have absolute satisfaction of impartiality and the spirit in which elections have been conducted. I am glad that generally the elections have been okay. I must congratulate the Election Commission and the Law Minister and his Ministry that such a huge task of elections has been conducted in a very fair manner mostly. Here and there, there have been complaints. Why should the Election Commission not be in a position to just put a check over those complaints also? I, therefore, feel there is no danger in giving the power to the Election Commission to see the papers. The Election Commissioner does not give his verdict. He does not change the papers. They are all there. But let him be in the picture.

Shri Shree Narayan Das: What is the purpose for which the Election Commission takes the right to inspect these papers, after the papers have been sealed and kept in the custody of the returning officer?

Shri Tyagi: As I said, returning officers are not High Court Judges. There is a feeling somehow or other that High Court Judges are angels and therefore anything could be entrusted to them. It is the majority view and the collective wisdom of this House also. Most of my friends are lawyers and they are accustomed to bow before the High Court Judges. I agree to that; it does not matter. But what about returning officers? Every returning officer is not a High Court Judge. Generally, they are executive officers in the Government. So, this power is being given to the Election Commissioner with a view to safeguard the rights of those who are not in power and who are the complainants. Otherwise, the opposition always accuses us that we are influencing the executive officers. In that case, let the Election Commissioner come and see whether we have influenced the Deputy Commissioner or any other officer. The Election Commissioner entering into the scene is the guarantee to the opposition. Our country is very unfortunate because we have got such an opposition, who do not realise what their rights are. Sometimes we on this side have to officiate for the opposition.

Shri Hari Vishnu Kamath: You do it well.

Shri Tyagi: It is to their advantage and unfortunately they are opposing it. I hope they will realise that it is to the best advantage of those who are not in power that the Election Commission is being given the power at this stage to look into the papers.

Shri Gauri Shanker (Fatehpur): Mr. Deputy-Speaker, Sir, I am very glad and I congratulate our senior Member Shri Tyagi for having admitted this fact that there are executive officers who are being influenced by this side or by that side. But this Election Commission is also in the same category. I do not know how Shri Tyagi was just saying that there are certain advocates or lawyers who are used to bow down before the courts and who attach sanctity to that. But I fail to understand how it is that Shri Tyagi bows down before the Election Commission. How does he come to this conclusion that it is immune, that it is the proper authority and everything is final with them?

Shri Tyagi: Is my hon. friend a lawyer?

Shri Gauri Shanker: Yes, and that is why I say this. Sir, the whole thing is very clear. As soon as the

results are announced the Election Commission ceases to function. That is in accordance with the provisions in rules that are there. If there are certain drawbacks, certain lacunae, as has been pointed out by Shri Tyagi —that there are certain ballot papers left vacant and the Returning Officer acted wrongly—then the remedy lies in the election petition. The Tribunal can very easily look into those things and can do justice. The Election Commission should not be allowed to come in the way. I can point out two cases that happened in Uttar Pradesh. I am sure my hon. friend is well conversant with those cases. There was the announcement of the result and a certain candidate was declared elected by a margin of a few thousand votes. Then, as a result of recounting the person who was declared elected was declared defeated. I would, of course, welcome this idea, that all those persons in charge like the Returning Officers, the Presiding Officers and others, should be severely punished if they do certain wrongs. If the Returning Officer is going to declare.....

Shri Tyagi: She was rightly elected.

Shri Gauri Shanker: You say so. I say she was not rightly elected. She was declared defeated in the first instance by the Returning Officer, and afterwards as a result of recounting she was declared elected. What I am saying is that this should have been done through an election petition by the Tribunal and not by the Election Commission.

Sir, in accordance with the rules the Election Commission is meant only to supervise. The Election Commission has been given the right of superintendence only. It is only the Tribunal which has been given the right to decide a case in that manner or in this manner. If the Election Commission is given this right and if the Election Commission comes in and supervises the recounting and declares a result which was otherwise declared by the Returning Officer, I would submit, Sir, respectfully, that the function of the Tribunal is done by the Election Commission in this respect at least.

One thing I would like to say, and this is, of course, in accordance with the principles of democracy. We can honour the verdict given by the judiciary. We are still of this view that the verdict given by the judiciary is to be honoured for the successful running of democracy. In the same manner and on the same principle, it would be most justified if the Election Tribunals are called upon to give the same kind of justice. If there was certain drawbacks, certain injustice done by the Returning Officer, they can very easily be looked into by the Tribunal in an election petition. Therefore, if the analogy which has been given by Shri Tyagi stands good and if the executive officers are not to be trusted, then I would submit that the Election Commission also should not be given this right.

Shri Tyagi: Does my hon. friend appreciate that I did not advocate the interference by the Election Commission?

Shri Gauri Shanker: That will come. You cannot avoid that. If the right of inspection is given and if there are certain occurrences and the Election Commission comes in, then as a result of recounting a result can be declared otherwise. Even if you do not give certain rights, rights come up by themselves. You cannot avoid that, if you give the right of inspection. That was what was done in Gonda. If Shri Tyagi has conceded that the executive officers can be influenced this side or that side, I would most respectfully submit that the Election Commission can also be influenced to that extent.

[Shri Gauri Shanker]

Therefore, according to strict principles of democracy, we have to concede one thing, that the decision or verdict given by the judiciary is to be honoured and respected. From that point of view, Sir, I would submit that this amendment which has been moved by my hon. friend is a welcome one and I stand to support it. It is in accordance with the principles of democracy. I can assure you that if this is done there will be no fear and only justice can be done by the Tribunal in cases on which election petitions are duly filed.

Sir, I support it.

श्री लहरी सिंह (रोहतक) : अध्यक्ष महोदय, इस मोशन के प्रस्तावक महोदय ने जो यह मूव किया है कि रूल ३ ओमिट कर दिया जाय और एलेक्शन कमिशन को अधिकार न दिया जाय यह बहुत माकूल चीज मूव की है और मैं इस के लिए उनको मुबारकबाद देता हूं ।

मैं अर्ज करना चाहता हूं कि देश में डमोक्रसी तभी तक चल सकती है जब तक कि आम आदमी के दिल में यह खयाल हो कि पोलिंग जो है वह ठीक हो रही है । जिस रोज आम आदमी के दिल में यह खयाल आ जायगा कि यह एलेक्शंस् फार्स हैं, इन में कोई सच्चाई नहीं है और इन पर कोई यकीन नहीं है तो मैं आपको बतलाना चाहता हूं कि फिर एलेक्शंस् में लोगों की श्रद्धा नहीं रह जायेगी, लोग गवर्नमेंट्स चेंज करने के लिए एलेक्शंस् का सहारा नहीं लेंगे, एलेक्शंस् का इंतजार नहीं करेंगे बल्कि गवर्नमेंट को चेंज करने के लिए वह कोई और तरीका अख्तयार करेंगे । अब इसमें मौजूदा या किसी खास गवर्नमेंट का सवाल नहीं है बल्कि कोई भी गवर्नमेंट हो उसको चेंज करने के वास्ते लोग एलेक्शंस् के अलावा कोई और तरीका अख्तयार करेंग । डमोक्रसी तभी मेंटेन हो सकती है जब आम आदमी के दिल में यह खयाल पैदा हो और वह यह समझे कि वाकई यह एलेक्शंस् ठीक हो रहे हैं ।

अब सवाल यह है कि रिटरनिंग आफिसर्स देश में कितने हैं और एलेक्शंस् कितने होते हैं ? आप रिटरनिंग आफिसर को राइट देते हैं कि वह दोनों पार्टीज के उम्मीदवारों के वोटों को काउंट करे । आप यह भी राइट देते हैं कि अगर गलती हो वह दुबारा काउंट कर ले और दुबारा काउंट करने के बाद ऐक्ट में यह प्रोवाइडड है कि वह तमाम पेपर्स को बंद करके और सील करके अपने वहां रखता है । मैं नहीं समझता कि डिप्टी मिनिस्टर साहब ने यह कैसे कहा कि रिटर्न्स बैलेट पेपर्स के साथ रख दिये गये थे ? अब हिसाब किताब और रिटर्न्स वगैरह तो बाद में दिये जाते हैं । आखिर रिटर्न तो तभी दाखिल होगा जबकि सब डिक्लेयर हो जाता है सील वगैरह लग जाती है । मैं डिप्टी मिनिस्टर साहब के स्टेटमेंट को फौलो नहीं कर सका । मुझे आशा है कि वह अपना जवाब देते वक्त इसको समझा देंगे ।

अब वहां पर अगर त्यागी साहब की बात मान ली जाय कि यह जरूरी है तो उस को अख्तयार तो कुछ भी नहीं है । उस को अख्तयार क्या दे रहे हैं ? अगर आप का खयाल है कि गलत हिसाब हुआ है और उस ने दीदो दानिश्ता गलत किया है तो वह जो आपका एलेक्शन कमिश्नर है वह क्या करेगा । वह कह देगा कि गलती क्यों रही या तो यह कहे कि दुबारा काउंटिंग के लिये कोई दरख्वास्त दे तो दूसरी बार एलेक्शन कमिश्नर वहां पहुंच इन दोनों पार्टीज के सामने फिर काउंटिंग कराये तब तो काउंटिंग के कुछ माने हैं । जहां डाउटफुल हो वहां एलेक्शन कमीशन चला जाय और दुबारा काऊंटिंग कराये तब तो कुछ बात भी हुई । लेकिन इसके लिये ऐक्ट में तबदीली करनी पड़ेगी जो कि आप कर नहीं

रहे हैं । अब दुबारा काउंटिंग एलेक्शन कमिश्नर करवा नहीं सकता । उनको जाकर खोल कर देखा करे और खोल कर देखने के माने यह होंगे कि सारा भेद वह देख सकता है । मालूम यह होता है कि बहुत से गवर्नमेंट सर्वेंट्स ने चुनाव में अपने वोट नहीं डाले, जिला परिषदों में और कई जगहों के चुनावों में मैंने देखा कि उन्होंने अपनी राय नहीं दी क्योंकि उनको यह दहशत दी गई थी कि अगर उन्होंने कांग्रेस के खिलाफ वोट दिये तो पोलिंग आफिसर निशान लगाने से मालूम कर लेंगे और इस डर से उन्होंने अपने वोट ही नहीं डाले । बहुत से गवर्नमेंट आफ़िशल्ज ने इसी लिये राय नहीं दी । अगर अब सरकार इलैक्शन कमीशन को यह पावर देती है कि वह लिफ़ाफ़े को फाड़ कर हर एक काग़ज़ को देख सकता है, तो फिर बैल्ट की सीक्रेसी कैसे कायम रहेगी ? इंस्पैक्शन के माने ये थोड़े ही हैं कि वह ऊपर से लिफ़ाफ़े देख ले । इंस्पैक्शन का मतलब यह है कि इलैक्शन कमीशन यह देख सकेगा कि किसने किस को राय दी है, जिसका नतीजा यह होगा कि बैलट की सीक्रेसी खत्म हो जायगी । मैं आपको याद दिलाना चाहता हूं कि हम हमेशा डेमोक्रेसी और बलट की सीक्रेसी के लिये फाइट करते आये हैं । आज़ादी के बाद हमने बैलट की सीक्रेसी का उसूल कायम किया । लेकिन अब हम इलैक्शन कमीशन को वह सारी सीक्रेसी सौंप रहे हैं, उसको यह अख्तियार दे रहे हैं कि वह सारी वोटर्ज लिस्ट देख लें और **ही कैन इंस्पैक्ट ईच एण्ड एवरी थिंग** ।

14 hrs.

फिर सवाल यह भी है कि सब काग़ज़ात को देखने के बाद इलैक्शन कमीशन क्या करेगा । क्या वह प्रेजिडेंट को कहेगा कि फलां इलैक्शन में यह ग़लती हो गई है ? क्या वह इंस्पैक्शन नोट लिखेगा ? मैं कहना चाहता हूं कि अगर उस को यह अख्तियार दे दिया जाये कि वह यह कह सके कि इलैक्शन में यह ग़लती हो गई है, तो फिर ट्रिब्यूनल की क्या ज़रूरत है । उस हालत में सरकार ट्रिब्यूनल्ज और कोर्टस को क्यों रखती है ?

इसलिये मैं कहना चाहता हूं कि अगर सरकार इंडिपेंडेंट, जस्ट और ईमानदारी के साथ इलैक्शन्ज चाहती है, तो वह एक्ट को बदले । रूल्ज में अमेंडमेंट करने से काम नहीं चल सकता है । अगर इलैक्शन कमीशन को रीकाउंटिंग का अख्तियार देना है, तो एक्ट में अमेंडमेंट की जाये । लेकिन सरकार उस को रीकाउंटिंग का अख्तियार न देकर इंस्पैक्शन का अख्तियार दे रही है । इंस्पैक्शन का नतीजा यह होगा कि बैलट सीक्रेट नहीं रहेगा और सब बातों का लीकेज होगा । उन सब काग़ज़ात को इलैक्शन कमीशन खुद थोड़े ही देखेगा ? उसका सारा स्टाफ़ और क्लार्कस वगैरह यह काम करेंगे । वे लोग एक एक काग़ज़ को लेकर बैठ जायेंगे और हर एक काग़ज़ को अच्छी तरह देखेंगे । वे निशानों को देखेंगे और इसका नतीजा यह होगा कि बैलट की सीक्रेसी नहीं रहेगी । इसके अलावा इसमें और खराबियां भी हो सकती हैं और काग़ज़ात को टैम्पर विद भी किया जा सकता है । हम देखते हैं कि कोर्टस से फ़ाइल्ज की फ़ाइल्ज उड़ा ली जाती हैं ।

अगर इलैक्शन कमीशन को और ज्यादा अख्तियार देने के लिये यह अमेंडमेंट की जा रही है, तो मैं अर्ज करना चाहता हूं कि हमने पहले ही उस को बहुत अख्तियार दिये हुए हैं । हमारे देश में इलैक्शन्ज को सुपरवाइज करने और कण्ट्रोल करने का सबसे बड़ा काम इलैक्शन कमीशन के हाथ में है । इससे ज्यादा अख्तियार क्या हो सकता है ? अगर रीकाउंट कराना हो, तो इलैक्शन कमीशन को यह अख्तियार दे दिया जाये कि वह सात आठ दिन के अन्दर खुद रीकाउंट कराए । लेकिन उस को लिफ़ाफ़ों को फाड़ कर सब काग़ज़ात को देखने का अख्तियार देने का नतीजा यह होगा कि एक तो बैलट की सीक्रेसी नहीं रहेगी और साथ ही इस बात का भी शुबह होगा कि इलैक्शन पेटीशन्ज के सिलसिले में

[श्री लहरी सिंह]

मदद दी गई है । इलैक्शन कमीशन में काम करने वाले स्टाफ के आदमी इन्ट्रेस्टिड लोगों को बता सकेंगे कि करप्शन के ये वप्वाइंट्स उठाओ । अब तक तो रूल यह है कि इलैक्शन पेटीशन में करप्ट मीन्ज की जो एलीगेशन्ज एक दफ़ा लिख दी गई, उन को अमेंड नहीं किया जा सकता है । लेकिन जब स्टाफ़ के आदमी, क्लार्क्स और सुपरिन्टेंडेंट वग़ैरह सारे काग़ज़ात को देख लेंगे, तोसारी बातें ज़ाहिर हो जायेंगी । इससे आहिस्ता आहिस्ता आम पब्लिक के माइण्ड पर यह असर होगा कि इस मुल्क में हमेशा रूलिंग पार्टी का ही बोल-बाला होगा और इस तरह इंडिपेंडेंट और जस्ट इलैक्शन्ज नहीं हो सकेंगे । मैं अर्ज करना चाहता हूं कि इलैक्शन कमिश्नर भी तो आई० सी० एस० या आई० ए० एस० के ही आदमी हैं और उनके नीचे स्टाफ में क्लार्क्स वग़ैरह काम करेंगे । इसलिये सरकार को ऐसी कोई ग़लती नहीं करनी चाहिए, जिससे हमारी डमोक्रेसी को धक्का पहुंचे । इससे इलैक्शन कमीशन की पोज़ीशन भी अच्छी नहीं होगी और वह जस्ट और फ़ेयर इलैक्शन्ज कराने में मदद नहीं कर सकेगा । अगर उस को किसी इलैक्शन में किसी ग़लती का पता चलेगा, तो वह या तो ला मिनिस्टर को लिखेगा और या प्रेज़ीडेंट को लिखेगा । क्या उसको ऐसा करने का राइट है ?

इलैक्शन कमीशन को सात आठ दिन के अन्दर रीकाउंट का अख्तियार न देकर हम उसको लिफ़ाफ़े फाड़ कर सब काग़ज़ात देखने का मौका दे रहे हैं । इस मुल्क की डेमोक्रेसी के लिये यह कोई अच्छा कदम नहीं है । हमारी बहुत सी पब्लिक अभी नाख्वान्दा है । इसलिये जगह जगह पर इस बारे में चिमेगोइयां होंगी । इसलिये यह अमेंडमेंट बेमानी है । मैं डिप्टी मिनिस्टर साहब से पूछना चाहता हूं कि इसमें हिसाब वाली बात कैसे आती है । वह एक्ट और रूल्ज को देख लें कि रिटर्निंग आफ़िसर सब पर सील कर देता है और सील लगा कर लिफ़ाफे में रख देता है । इसलिये रिटर्न्ज वाली बात कैसे आ गई ? कौनसी जगह पर वे रिटर्न्ज होंगी ? रिटर्न्ज तो पन्द्रह दिन के बाद, महीने के बाद दी जाती है । मैं समझता हूं कि त्यागी जी इस बात पर ग़ौर करेंगे ।

श्री त्यागी : जो बैलट कूपन होते हैं, जो हिसाब होता है कि कितने बैलट पेपर गए, उन रिटर्न्ज का कह रहे हैं ।

श्री लहरी सिंह : वे भी सील हो जाते हैं । एक एक लिस्ट सील हो जाती है और अगर ग़लती से कोई काग़ज़ दूसरी जगह रख दिया गया हो, या लिफ़ाफा ग़लती से चिपका दिया गया हो, तो रिटर्न्ड आफिसर दोनों कैंडिडेट्स को बुला कर उस को ठीक कर देता है, उन पेपर्ज में रिटर्न्ज का तो कोई सवाल नहीं है । ला और रूल्ज ने उन के बारे में सीक्रेसी प्रोवाइड की है कि **नोबाडी कैन टच देम** । उन को कोई टच नहीं कर सकता । उसमें एका-उण्ट्स कैसे चले गए ? इसलिये मैं कहना चाहता हूं कि यह आम पब्लिक को गुमराह करना है, बदनामी हासिल करना है और इससे कोई फायदा नहीं है ।

Shri Man Sinh Patel (Mehsana): Mr. Deputy-Speaker, I would like to support the motion of my hon. friend. Normally, when all the papers are sealed, it is only when there is some challenge or dispute about the result where the papers are allowed to be opened by a tribunal formed by the Election Commission or by a competent court. Here is a rule which empowers the Election Commission to do it, which may mean any officer engaged in the Election Commissioner's office. Also, the result may be challenged or may not be challenged. Even for a trivial matter such important papers are likely to be tampered with. Now, when the returning officer, on behalf of the Election Commission, is conducting the full scrutiny of it, it

is being done in the presence of all election agents, or the candidates concerned, then the final result is declared by the returning officer and then the papers are sealed. If there is any doubt in the mind of either the election agent or the candidate, it could be raised through an objection at the time of counting, or before the returning officer. But once the election result has been declared and the papers are sealed, I do not see any reason why Government should frame this rule to give additional power to the Election Commissioner. It has been stated times without number by members of the opposition, even by members on this side, that secrecy of voting is the gist of the elections in a democracy. So, any official who is in over all charge of the election as a whole should never be given this authority where there is a possibility of tampering with the papers by opening such important papers. It is not one high dignitary of the Election Commission, alone who is likely to open it. It can be done by any officer under him under his instructions. That tampering of papers can be done even when there is no dispute, for reason or no reason, because nothing has been mentioned here. Therefore, such a rule is likely to be misunderstood in the initial stage of democracy.

As I said, secrecy of the ballot paper has always to be maintained. It should be touched only when there is any dispute, and that too by persons who can and who are competent to settle and decide the dispute. That is to say, only a tribunal or a court which decides it can open the ballot papers for the purpose of giving a decision on the issues under dispute. Therefore, I fully support the motion of my hon. friend.

Shri Sumat Prasad (Muzaffarnagar): Mr. Deputy-Speaker, I have not been convinced by the reason advanced by the Deputy Minister for the change in the rule. At best, the rule is superfluous. It may lead to various complications. Unless the Election Commissioner is given power to change the result announced by the returning officer if he finds any mistake in recounting, inspection and recounting do not serve any useful purpose. Very often it has been stated in this House that such things should be entrusted to judicial officers. I do not understand what purpose will be served by the change introduced by the Government. I whole-heartedly support the motion of Shri Shree Narayan Das.

श्री बड़े (खारगोन) : उपाध्यक्ष महोदय, जो एमेंडमेंट शासन की तरफ से किया गया है, वह उसी तरह से मालूम पड़ता है जैसे कि पैंचिंग और पैंडिंग किया जाता है । हमारे त्यागी जी ने जो भाषण दिया है उसमें उन्होंने वकीलों के बारे मे कहा है कि वे जजों को नमस्कार करते हैं, उनके सामने सिर झुकाने की आदत उनकी हो गई है । मैं कहना चाहता हूं कि समस्त जनता उनके आगे सिर झुकाती है । इस वास्ते केवल वकील ही सिर झुकाते हैं यह कहना ठीक नहीं है । त्यागी जी ने यह भी कहा है कि हिन्दुस्तान मे बहुत से लोग कुरप्ट हो गए हैं । क्या जो इलक्शन कमिश्नर साहब हैं, जब त्यागी जी ने ऐसा कहा तो वह भी उनकी निगाह में थे या नहीं मैं नहीं जानता हूं । कमिश्नर साहब डेमी गाड हैं और वह कुरप्शन से बाहर हैं, या उनको ब्रैंड एण्ड बटर की जरूरत नहीं है या वह शासन के हाथ में खिलौना नहीं बन सकते, इसके बारे में त्यागी जी ने कुछ नहीं कहा ।

एक बार जब बैलट पेपर्ज सील हो जाते हैं और रिटर्निंग आफिसर रिजल्ट डिक्लेयर कर देता है तो उस सील को और उन पेपर्ज को ट्रिब्यूनल या कोर्ट के सामने ही खोला जा सकता है, वे पैकेट्स उनके सामने ही खोले जा सकते हैं । जब रिटर्निंग आफिसर यह डिक्लेयर कर देता है कि फलां आदमी जीत गया है, तो उसके बाद वह उन पेपर्ज को सील कर देता है और जब उनको सील कर दिया

[श्री बड़े]

जाता है तो कमिश्नर साहब क्या कर सकते हैं या क्या करेंगे । हम जो अपोजीशन वाले हैं उनको यह शंका है कि कहीं बैलट पेपर्ज लोगों को न दे दिये जायें या जो कर्मचारी हैं वे न दे दें । इस तरह की बातें करने में कहीं कमिश्नर शासन के हाथ में खिलौना बन न जायें यही शंका है । बड़े बड़े व्यक्ति जो शासन मे हैं, जो अधिकारी हैं, जो मिनिस्टर हैं, उनके हाथ में अगर वह खिलौना हो जायेंगे तो क्या होगा ? क्या टेलीफोन का इस तरह के अनुचित कामों के लिये उपयोग नहीं हो सकता है ? एक बार सील जब पेपर्ज को कर दिया गया और रिजल्ट डिक्लेयर कर दिया गया तो उसके बाद कमिश्नर साहब क्या करेंगे । अगर उन को यह अधिकार दे दिया जाता है कि वह पेपर्ज को खोल सकते हैं तो हो सकता है कि वह मिनिस्टर्ज के हाथों में या बड़े व्यक्तियों के हाथों में खिलौना बन जाएं और टेलीफोन पर ही सब बातें हो जाएं ।

त्यागी जी ने कहा है कि हिन्दुस्तान में लोग बहुत करप्ट हैं, आफिसर्ज करप्ट हैं । अगर यह सही है तो जो कमिश्नर साहब हैं जो कुछ उनको टेलीफोन पर कहा जाएगा वह कर दिया करेंगे और मिनिस्टर्ज के इशारे पर नाचना शुरू कर देंगे और टम्पर करना शुरू कर देंगे, तो क्या होगा, इस पर आपको विचार करना चाहिये । यह बात, जो आर्गुमेंट हमारे त्यागी ने दिया है, उसी के सहारे मैं कह सकता हूं । जो एमेंडमेंट अब किया गया है, वह क्यों किया गया है, इस पर आपको विचार करना होगा । हमारे यहां दो आम चुनाव हो चुके हैं । इन दोनों ही चुनावों में इस तरह का कोई प्राविजन नहीं था । लेकिन स चुनाव में अपोजीशन वालों का बल बढ़ा है और इस वजह से इनको यह अमेंडमेंट करने की जरूरत हो गई है । मैं मध्य प्रदेश की बात आपको बतला सकता हूं । वहां पर हमने देखा है कि कांग्रेस से यह टीका होनी शुरू हुई है कि जितने भी कर्मचारी हैं, पटवारी से लेकर करके कलैक्टर तक, छोटे से छोटे से लेकर बड़े से बड़े तक, कांस्टेबल से लेकर एस० पी० साहब तक सब जनसंघ के हाथ में खेलते हैं और यही वजह है कि वहां पर कांग्रेस कैंडीडेट्स की हार हुई है । यू० पी० में इलैक्शन कमीशन को एप्लीकेशन दे करके वहां पर यह चाहा गया कि पैकेट्स को खोल कर देखा जाए । कमिश्नर साहब ने दो तीन बार इस बात को नहीं माना लेकिन जब उन पर वजन डाला गया तो लैक्शन कमिश्नर ने पैकेट्स को खोला । यह सवाल जब कोर्ट में उठाया गया और कहा गया कि इलैक्शन कमिश्नर को जो अधिकार दिये गये हैं, यह उसके विरुद्ध बात जाती है तब कमिश्नर साहब शासन के पास दौड़े आए और उन्होंने इस तरह की एमेंडमेंट करने के लिये कहा और दोनों ने मिल करके इस प्रकार का एमेंडमेंट किया । पिछले दो इलैक्शन्ज में इस तरह का अधिकार कमिश्नर साहब को क्यों नहीं दिया गया और क्यों अब दिया गया है, उसकी यही वजह है कि जो मैंने बयान की है । इसका कारण यही है कि जो जूता हमें काटता था वही जूता अब कांग्रेस के कैंडीडेट्स को काटने लगा है । इस वजह से उन को यह एमेंडमेंट करने की जरूरत पेश आई है कि वह पैकेट्स को खोल करके देख सकता है । पैकेट्स को खोल करके वह क्या करेगा ? यहां पर इसी दिल्ली में यह दिखा दिया गया है कि पेटियों को खोला जा सकता है और यहां पर दिल्ली में ही यह भी बता दिया गया है कि जम्मू और काश्मीर में जाली बैलट पेपर लोगों के हाथों में दिये जा सकते हैं और उनको मिला दिया गया है । जब इस तरह की बातें हो सकती हैं तो यह आश्वासन कैसे दिया जा सकता है कि जो पैकेट्स को खोलने का अधिकार कमिश्नर को दिया गया है, उसका दुरुपयोग नहीं होगा और कमिश्नर या उनके कर्मचारी कोई अनुचित काम नहीं करेंगे ? त्यागी जी ने कहा है कि जजों के सामने वकील जो करते हैं । वे वो नहीं करते हैं । सभी उनके सामने झुकते हैं । हमारे त्यागी जी ने यह भी कह दिया कि

सारे के सारे कर्मचारी कुरप्ट हैं । मुझे नहीं पता कि उन्होंने यह बात कैसे कह दी ।

श्री त्यागी मैंने यह नहीं कहा कि सारे अफसर कुरप्ट हैं ।

श्री बड़े : इंग्लैण्ड के और यहां के आफिसर्स को उन्होंने कम्पेयर किया है । इस बात को सुन कर मुझे बड़ा दुख हुआ है । किस तरह से हमारे देश के लोगों को वह कहते हैं कि वे कुरप्ट है । क्या इंग्लैण्ड में कुरप्शन नहीं है ? एक बहुत बड़े आदमी ने जो यहां आया और जिसने अंग्रेजी राज्य की यहां स्थापना की और जिसका नाम क्लाइव था, क्या वह कम कुरप्ट था । उस तरह का कुरप्ट आदमी कभी भी हिन्दुस्तान में नहीं हो सकता है ।

यहां के कर्मचारी आम तौर पर आनेस्ट हैं । हो सकता है कि कोई कोई डिसआनेस्ट हो । ऐसे तो चावल में भी कंई पत्थर रहता है । यह कहना कि सभी लोग कुरप्ट हैं, या खराब हैं, गलत बात है । हां जब ब्रेड और बटर का सवाल आता है तो आदमी कुरप्ट हो सकता है । वैसे तो जो जंगली जानवर होता है उसको भी अगर भूखा रखा जाता है तो वह भी पालतू बन जाता है । कांग्रेस ने टैक्स लगा करके लोगों को भूखा कर दिया है, नंगा कर दिया है । ेड और बटर के लिये वह कुरप्ट हो सकता है । और इलैक्शन कमिश्नर, इसके ऊपर है, ऐसा आप नहीं कह सकते हैं । अगर बाकी लोग कुरप्ट हो सकते हैं, तो वह भी हो सकते हैं ।

सलिये मैं कहता हूं कि यह जो प्राविजन है यह गलत है और कमिश्नर को यह अधिकार नहीं दिया जाना चाहिये । यह अधिकार केवल ट्रीब्यूनल और कोर्ट के पास ही रहना चाहिये जहां पर दोनों पार्टियां सामने रहती हैं और दोनों के सामने उसको खोला जाता है । इलैक्शन कमीशन के सामने दोनों पार्टियां नहीं होती हैं इस वास्ते पैकेट्स को उनके सामने खोलना अनुचित है और यह ठीक नहीं है । इस वास्ते यह जो प्राविजन है और जो पावर इलैक्शन कमीशन को दी जा रही है, नहीं दी जानी चाहिये । यह सुपरफ्लुअस प्राविजन है, ऐसा मैं समझता हूं ।

जो प्रस्ताव सदन के सामने रखा गया है उसका मैं समर्थन करता हूं ।

Dr. M. S. Aney (Nagpur): Sir, I was rather surprised at the stand that my hon. friend, Shri Tyagi, has taken. However, each one of us is entitled to form his own views on such information as is available to him. Probably his experience of the judges may be somewhat different from the experience of the general public. As a matter of fact, in a democratic Constitution the real guarantee of that Constitution working properly is not the executive officers who have to work it out but a tribunal which will look into the propriety of that particular law, and also its consistency with the principles of the Constitution. The tribunal is the last resort of the people to get the Constitution properly worked and also the laws to be properly worked and administered. So, a kind of faith in the people about the impartiality of the judges is a necessity for the success of democracy. My hon. friend, Shri Tyagi, is one of those who are as much enthusiastic as anybody else in claiming that this democracy has worked successfully during the last 15 or 16 years. In that case it means that the tribunals of this country have discharged their duties properly and impartially also.

The practice is whenever any amendment to a law which has been working for some time is to be brought, some good cause should be shown and that the law as it stands has not worked properly or that it has created certain difficulty which

[Dr. M. S. Anoy]

ultimately ended in the defeat of the objects for which the law was made and its failure to be useful in the state as it stands. The new rules under the Representation of the People Act have been laid on the Table but no explanation has been given for an important modification made therein. Even up to this time when it is under discussion we have not been furnished with any explanation by the hon. Law Minister or those who are in charge of it as to the propriety and the necessity of making this change.

Generally these rules are placed on the Table, and they generally go unnoticed. We claim that it is a matter of great right and we insist upon the Government whenever any Bill is passed that this clause, namely, that rules framed under the particular law must be placed on the Table, be inserted there. If there is no such clause, we take pride in suggesting an amendment to that effect. But it is very seldom that when the rules are placed on the Table within the time-limit somebody takes the care to go into those rules, studies them properly and finds out whether in framing those rules something has been done that the law has not meant or originally intended. I, therefore, sincerely congratulate Mr. Shree Narayan Das for putting his finger on a very vital point in these rules, in my opinion. The functions of the Election Tribunals are specified in the Representation of the People Act. After the election results are declared the Election Commission has virtually nothing to do afterwards. When this is the clear position, we are introducing a provision that it should be given power to open ballot boxes and examine the ballot papers.

This is the new clause that has been introduced here. In rule 93 of the said rules in sub-rule (1) for the words "a competent court or tribunal" the words "Election Commission, or a competent court or tribunal" shall be inserted. That means the Election Commission has been given powers along with the courts to exercise the powers mentioned in that clause.

What is the necessity for doing it? Nobody has explained it. On the other hand, the secrecy of the ballot is likely to be violated if such powers are given to and exercised by the Election Commission. I have got very great respect for the Election Commission. If we give them powers like this we perhaps provide temptations for them to go astray from the path of duty. We should remove all temptations from their way, so that they can function impartially. From that point of view, I think the rule as it stood was all right, and had ensured fair elections.

I, therefore, request the Deputy Minister to consider this matter carefully and calmly and see whether there is any necessity for this at all. If it is so, we are open to conviction. I would ask them not to make it a point of prestige.

Shri Bhagwat Jha Azad (Bhagalpur): Mr. Deputy-Speaker, Sir, I strongly support the motion moved by my hon. friends, one on my right and the other on my left. I feel that Government has been ill-advised to frame such rules. It can be interpreted in many ways. I do not assume as my hon. friends of the Opposition have said that there is greater chance of foul play if ballot boxes and other packets are reopened by the Election Commission. I do not accept that position. But I would suggest that even in genuine cases where boxes are reopened and a decision is correctly taken, the confidence of the people, the candidates and the electorate as a whole in the Election Commission will be shaken

Let me quote an instance. In the case of a candidate who has been defeated by a margin of hundred votes—I take that figure for the sake of convenience—if after the declaration of results, the Election Commission were to open the boxes, and reverse the verdict, nobody would believe that it has been rightly done. Apart from what my hon. friends on the Opposition said, public confidence and the electors' confidence in the Election Commission will be shaken. I therefore suggest that Government should withdraw this provision

As the old adage goes: Ceasar's wife should be obove suspicion. We would like to know what are the reasons which impelled Government to have this rule; what difficulties were experienced in the last two General Elections. If a candidate is defeated, the law provides ample opportunities for him to go before the Election Tribunal. According to the present rules, the candidate can demand counting, recounting, re-re-counting, as many countings as he wants. After these countings and recountings when the ballot papers are sealed, why should the Election Commission—which previously did not want to have this power—reopen the boxes. I think it is not in order. Even if it rightly done, I am sure it will shake the confidence of the public in the Election Commission

Apart from that I do not think any such rule exists anywhere else in the world. So far as the practice obtaining in the United Kingdom is concerned, Rule 57 under the heading 'Orders for Production of Documents' reads as follows:

"57.—(i) An order—

(a) for the inspection or production of any rejected ballot papers in the custody of the Clerk of the Crown; or

(b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody;

may be made—

(i) by the House of Commons; or

(ii) if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition, by the High Court or a county court".

It is evident from this that it is a novel procedure which my hon. friend wants to introduce and we would like to know the reasons which impelled them to bring forward this rule. What were the difficulties which they experienced in the past? We are definitely of the opinion that if this rule is introduced the confidence of the people in the Election Commission will be shaken and it is very necessary for the success of our infant democracy that there should be a supreme body in which the people should have confidence. Therefore, this rule is unwarranted; it is not required; it will not be of any use. Even if it is correctly applied people will not believe it. Let me give an example. Suppose there are three Members, A, B and C, who stand for election. If after recounting the Election Commission were to reverse the verdict, people will only say that there was some foul play. Such suspicion will be stronger if the personality involved were to be a big leader or Minister. As I have pointed out, in England this right vests in the House of Commons, or a county court.

I strongly oppose the Government move and suggest that this rule should be withdrawn.

श्री बागड़ी : उपाध्यक्ष महोदय, इस देश में जनतन्त्र ही एक ऐसी देन है जिसको सामने रख कर हम सारे संसार में कह सकते है कि भारत इस जनतन्त्र के सहारे तरक्की करेगा। इस जनतन्त्र को जो खुराक मिलती है, जो शक्ति मिलती है वह सरकार से नहीं बल्कि जनता के विश्वास से मिलती है। अगर वह जिन्दा है तो देश की जनता के विश्वास के सहारे जिन्दा है। इसलिये जरूरी है कि हिन्दुस्तान की जनता के दिमाग मे यह बात आ जाय कि जिस तरीके से जनता चाहती है, वैसा ही इस देश में होता है। और यह विश्वास इस नाते जिन्दा है कि जनता की खुफिया राय से सरकार बनती है। गरीब लोगों की और महकूम लोगों की राय को कोई नहीं जान सकता कि वह किधर राय देते हैं, ऐसा विश्वास उनके दिमाग मे है। मै कहता हूं कि देश में जनतन्त्र की सारी शरायतें टूट चुकी हैं, करप्शन और भ्रष्टाचार सब जगह हो चुका है, लेकिन सीक्रेट बैलट की वजह से जनता के मन मे एक विश्वास है। अगर आप इस विश्वास को तोड़ देंगे तो यह पहला फावड़ा होगा, जो कि आप चलायेंगे इस देश में जम्हूरियत को दफन करने का।

हम दूसरों की बात कहते है। पंजाब के चुनावों में कौनसी बात नहीं चली। कौनसी बात मिनिस्टरों और चीफ मिनिस्टर के चुनाव के बारे में नहीं चली। ३४ परचियों से हमारा पंजाब का मुख्य मन्त्री जीता हुआ बताया जाता है और उसको पार्टी का लीडर बनाया गया है। अगर आज यह परचों को खोल कर देखने का अधिकार दे दिया जाता है तो कौन आदमी पंजाब के चीफ मिनिस्टर के खिलाफ वोट दे सकेगा। आज भी लोग यह महसूस करते है कि कुछ लोगों को जबरदस्ती जीता हुआ बताया गया है। अगर आपने कानून बना कर न परचों को देखने का अख्तियार इलेक्शन कमीशन को दे दिया तो जनता के मन में विश्वास नहीं रह जाएगा क्योंकि सीक्रेसी खत्म हो जाएगी। हमने देखा कि पंजाब के मुख्य मन्त्री को जबरदस्ती जितवाया गया और परचियों में जो कमी रह गयी थी उसकी बाद में हेराफेरी की गयी। इसी तरह से ३०० या ३५० परचियों से गुड़गांव से एक मन्त्री को जीता बताया गया और कहा गया कि परचियों मे हेराफेरी की गयी। लेकिन अगर यह खुफिया परचियां डालने का तरीका कायम रहता है तो जनता को यह विश्वास है कि जनतन्त्र में जो अभी कमियां है उनको जनता कभी न कभी पूरा कर लेगी। यह चीज जनतन्त्र की बुनियाद है। अगर इस बुनियाद को ही हम मिटा देंगे तो जनतन्त्र जिन्दा नहीं रह सकता।

मै सिर्फ कांग्रेस की ही बात नहीं कर रहा हूं। अगर यह कानून पास हो गया तो किसी को जोरावर से मुकाबला करना मुमकिन नहीं रहेगा। जनता को जब सीक्रेसी का विश्वास नहीं रहेगा और जब सीक्रेसी मिट जायगी तो जो जोरावर होगा, वह चाहे किसी दल मे आवे, कामयाब हो जाएगा और जनता उसके खिलाफ वोट नहीं देगी। इस हालत में हिन्दुस्तान में जनतन्त्र जिन्दा नहीं रह सकेगा और अगर वह जिन्दा रहेगा तो वह हाई क्लास के लोगों का, सरमायादारों का, डिक्टेटरशिप के किस्म का जनतन्त्र होगा और उसका आखिरी रूप अय्यूब शाही जैसा हो सकता है।

मै आपसे अर्ज करूंगा कि आज यह एक छोटी सी बात नजर आती है, लेकिन इस बिल को यहां देख कर मुझे लगता है कि हिन्दुस्तान में जम्हूरियत बिल्कुल किनारे पर खड़ी है। आप चाहें तो शक्ति के जोर से इस जम्हूरियत को समन्दर में डाल सकते हैं और इस देश के लोगों को तबाह कर सकते हैं। आपको यह एक मामूली सी बात मालूम होती है लेकिन इसकी वजह से हिन्दुस्तान के ४५ करोड़ इन्सानों के दिल में जो अग्नि भभकेगी उसको अगर आप क़ानून से दबाना चाहेंगे तो देश तबाह होगा। मैं

आपके द्वारा कहना चाहता हूं कि चाहे शक्ति के नशे में या अनुशासन के डंडे के कारण या इसको डिगनिटी का सवाल बना लेने के कारण या कायदे कानून की कमजोरी में आज ट्रेजरी बैंचों के हमारे भाई इस तरह की भावना व्यक्त कर रहे हैं और इस कानून के पक्ष में अपना वोट भी दे दें, लेकिन आगे आने वाला इतिहासकार कहेगा कि उन्होंने मुल्क के साथ बेवफाई की क्योंकि इस कानून से जनतंत्र की बुनियाद ही खत्म होती है। म चाहता हुं कि इतना बड़ा खतरा मोल न लिया जाय। मुझे इतना ही कहना है, हेरा फेरी करके मिनिस्टरों को जिताने की बात को आप छोड़ दीजिये।

श्री शिवमूर्ति स्वामी (कोप्पल) : उपाध्यक्ष महोदय, मुझे पांच छः साल का इलेक्शन पिटीशन का अनुभव है। सन् १९५७ के इलेक्शन के बाद का मेरा एक पिटीशन अब तक सुप्रीम कोर्ट मे फैसला नहीं हो पाया है। शायद वह भारतवर्ष में सबसे पुराना पिटीशन है। यह पांच छः साल का मेरा समय अपने हक के लिये और सत्य के लिये लड़ने में जाया हुआ है। मैं चाहता हूं कि हमारे रूल्स में कोई लूपहोल न रह जाए ताकि इलेक्शन कमीशन के पास और एक अधिकार आ जाए। अभी तक इलक्शन कमीशन को यह हक नहीं था जो कि इस बिल के द्वारा उसको दिया जा रहा है। मैं इसके पक्ष में नहीं हूं और अपनी पूरी शक्ति के साथ इसका विरोध करता हूं। मेरे अनुभव में आया है कि बैलट बाक्सों में बहुत से कागजात होते हैं जैसे पोलिंग एजेंटों के फार्म और दूसरे बैलट पेपर। अगर इलक्शन कमीशन को उनको देखने का मौका दिया जाएगा तो उसको एक प्रकार से जूडीशियरी की पावर दे दी जाएगी और अगर उसको मालूम होगा कि कहीं अन्याय हो गया है तो वह जिस कैंडीडेट को जीता हुआ डिकलेअर कर चुकी है उसको फिर रिवर्ट करेगी। यह अधिकार उसको नहीं मिलना चाहिये।

हमारे संविधान का मंशा इलेक्शन कमीशन को बनाने में केवल यह था कि वह इलेक्शन के काम को देखे और उसके नतीजे का ऐलान कर दे। उसके बाद उसका काम खत्म हो जाता है। इससे ज्यादा अधिकार इसको देने की आवश्यकता नहीं है।

अपने इलेक्शन पिटीशन के सिलसिले में बहुत सी अन्दरूनी बातें मेरे अनुभव में आई हैं लेकिन मैं उनको इस समय नहीं कह सकता क्योंकि अभी केस सब जुडीसी है। मैं केवल इतना ही कहना चाहता हूं कि जो यहां सदस्यों ने अपने विचार आपके सामने रखे हैं और जो अपनी राय दी है उसका मंत्री महोदय आदर करेंगे और हमारे ऊपर इस संशोधन को न लादेंगे। अधिकतर वक्ताओं ने चाहे वे कांग्रेस दल के हों या दूसरे दलों के, सिवाय श्री त्यागी और डिप्टी मिनिस्टर के, इस अमेंडमेंट का विरोध किया और अपना दृष्टिकोण हाउस के सामने रखा है। मैं समझता हूं कि इस दशा में इलेक्शन कमीशन को यह अधिकार नहीं देना चाहिये। इससे बहुत से अन्याय होंगे। इससे लोकतन्त्र को बचाना चाहिये। इसलिये मैं चाहता हूं कि जो पहला रूल है उसी को कायम रखा जाए और उसको बदला न जाए।

इतना कहते हुए मैं इसका विरोध करता हूं।

Shri Ram Ratan Gupta (Gonda): Sir, I stand to oppose the rule proposed by the hon. Minister. My feeling is that the proposed rule is capable of tremendous mischief if it is allowed to be incorporated in the Election rules.

I do not know how far it will be fair for me to import personal knowledge into the discussion on this matter. But, I think I will be failing in

[Shri Ram Ratan Gupta]

my duty in the cause of serving democracy if I did not bring before the House the recent experience which I have been unfortunate enough to have of certain interference from the Election Commission in my own election. As a matter of fact, without having this power, somehow or other my constituency was chosen by the Election Commission office for direct interference. At the time of re-counting, the Election Commissioner himself, out of 3000 places where elections have taken place, chose to visit my constituency personally. He was there for two days. He organised the counting and re-counting of the votes in one of the constituencies of my district and subsequently left his Secretary there to supervise the re-counting in my constituency also. But, in the meantime, for certain reasons which I do not know, one particular officer of the Election Commission office was chosen to go and supervise directly the work of re-counting of my constituency. The manner in which he exercised his authority illegally on the basis of being an officer of the Election Commission office, it will shock the House if full details come out. Suffice to say that attempt was made to bring pressure on the Returning Officer that he should stop the declaration of results unconstitutionally for which there was no provision in the law. Not satisfied with that, when the result was declared, subsequently that officer with the Election Commissioner again went to Lucknow and they visited Gonda my constituency with the intention of opening the ballot papers which, if permitted, would have definitely given an advantage to my opponent and could put me in the wrong. I could prevent them from acting illegally only with the help of a writ in the High Court. When there are no such rules, when there are no such powers, by the very nature of the high office which they hold, they are able to exercise so much influence on the Returning Officers. Now, if those rules give them direct authority and if they decide to interfere in any election, where will it end?

It is true that the principles on which our entire election machinery has been evolved learly presuppose that the Election Commission should exercise only administrative control so that they can be justified in claiming that they are acting impartially. But, if they are involved in any of the detailed scrutinies at any stage during the election, human nature being what it is, I do not know what will happen to our infant democracy. In my case, unfortunately, my opponent was one of the persons who propably was here in Delhi in the Secretariat, as an I.C.S. Officer, for a long time. He may have got some personal relations with this officer and it is possible that it was with a view to oblige him on the basis of old acquaintance that this officer visited and tried to help my opponent illegally in recounting. But, this sort of cases in future can crop up in so many other instances also. Therefore, I humbly request the Government to think it over twice before bringing forward any such rule. I have not said even 1 per cent of what has happened in my constituency. I do not think it is fair for me to take this opportunity of going into all that, because Election petition is pending against me. All these matters will probably come up there. Whatever little experience I have gained, on the strength of that, I can say with confidence that if this rule is allowed to become operative the faith of people in Election Commission's impartiality is likely to be greatly impaired.

Shri Gauri Shanker: It is already operative; it has been already enforced.

Shri Ram Ratan Gupta: That is what I say. If it is allowed to continue to be operative, it is likely to cause a lot of damage to democratic institutions in this country.

Shri D. C. Sharma: (Gurdaspur): Mr. Deputy-Speaker, I have seldom seen such a unanimity of opinion in this House as today. But, my only regret is this, and I say this without meaning any offence to anybody, that the Minister of Law is not in the House at this time. Because, he alone can withdraw it. I do not think my good friend the hon. Deputy Minister has been authorised to take back this rule.

Shri Hari Vishnu Kamath: What a Minister can do, a Deputy Minister can.

Shri D. C. Sharma: I say that this important debate should have been listened to by the Minister of Law and he should have seen that unrivalled spectacle of unanimity of opinion in this House between the Opposition and the Congress.

There is a tendency amongst human beings and also human institutions that they want to grab more and more power in this world. I think I am a prey to that weakness. Every one is a prey to that weakness.

Dr. M. S. Aney: As Members we are not.

Shri D. C. Sharma: The Election Commission also has fallen a prey to that tendency. In Part XV of the Constitution, I find that the Election Commision has been given so many powers. It is responsible for the conduct of our elections from A to Z. It is practically the custodian of the democratic procedures in this country and it has been discharging its duty well so far. Of course, my friend over there has given his own case. I do not know what that case is. Some other Member also described his own case saying that the Election Commission has gone beyond its power in dealing with that case. I am not concerned with that. These are small exceptions. They do not prove the rule. The fact of the matter is that the Election Commission, which has already so many things to do, is now going to be, if I can use that word, a kind of official burglar. What does a burglar do. He goes into a house and takes whatever he wants. I do not think I have used the word burglar in any wrong sense. I have used it loosely. I want to subimt, now the Election Commission wants power to open election boxes and do whatever it likes. I think this cannot be permitted in any democracy, whether it is parliamentary democracy or peoples democracy or any other kind of democracy. I think by giving this power to the Election Commission, we are going to stultify the very principles and practice of democracy in this country.

There is another point and it is this. Reference was made to the two elections held in my State. I think that reference was unjustified. I say, on the floor of the House, that both these elections, whether the margin of difference was big or small, were quite constitutionally held elections. I do not think those elections have got anything to do with the matter before the House.

The Election Commission will be violating the sanctity of the ballot. People have been talking about secrecy of the ballot, Secrecy is there. We do not look upon the ballot as something conducive only to secrecy. We look upon the ballot as some thing sacred. If the Election Commission is given this power, I think the sanctity of the ballot is destroyed, the sanctity of election is destroyed and the very edifice of democracy which we have been building up in this country will be undermined. I, therefore, wholeheartedly oppose this rule.

Mr. Deputy-Speaker: The hon. Member should conclude now.

Shri D. C. Sharma: Just when I am getting into form, you are ringing the Bill. I shall conclude in half a minute.

I, therefore, submit very respectfully that this rule should be opposed, lock, stock and barrel, and it should be buried. I think that this motion should be accepted, and this rule should be given a go-by, because it will be good for us and good for everybody.

With these words, I support the motion.

Shri Bibudhendra Mishra: I have heard with great respect the speeches made. May I humbly submit that some of the points raised are based on misapprehension and are ill-founded?

It is apprehended by some that by this amendment of the rule, the power of the tribunals is being taken away. So far as the power of the tribunal is concerned, it is there. It is one thing when the tribunal makes an inspection, because the tribunal follows it up, and it has further powers. It makes the inspection and it has the right to see whether the counting has been made in accordance with the Act and the rules or not. It has the right to see whether the returning officer has been justified or not. But it is quite a different thing when an inspection is made by the Election Commission, because it must be remembered that the Election Commission has not been vested with the same power. Of course, there would be some, and there have already been cases, and there have been questions also in Parliament about it. Some people think, and may be, rightly, that since the verdict of the court has been that once the result has been declared by the returning officer, it is final and it cannot be challenged except by way of an election petition, powers should be vested with the Election Commission for a recount.

Shri Shree Narayan Das: For recount, there are already other provisions.

Shri Bibudhendra Mishra: There are people who feel that power should be vested with the Election Commission for a recount. That is what some people feel.

Shri Sinhasan Singh: Can the hon. Minister, through this amendment, give the Election Commission the power to recount? He is not giving the power for recount through this amendment because rule 63 provides that after a recount has been granted once, there cannot be any recount afterwards, unless it be that the hon. Minister is not amending that rule.

Shri Bibudhendra Mishra: The hon. Member may please hear me. I have said this power of recount which has been given to the returning officer has not been given to the Election Commission, and that there are people who feel that it ought to be given to them. I did not say that it had been given to the Election Commission. I did not say that these are the provisions under which it has been given. I want to make it clear, because there are people who feel that the Election Commission should be vested with that power. There have also been questions—I do not exactly remember—either in this House or in the other House of Parliament with regard to this. So, that is another aspect of the matter. But it is not proposed to give this power to the Election Commission by this amendment.

I have already made clear, and I have narrated the circumstances which had necessitated this amendment. I had stated that in the beginning itself. I had stated that in two of the constituencies of Uttar Pradesh, the Leader of Opposition in the other House wanted an inspection of the account of the ballot papers. I would

like to point out to hon. Members that under rule 93 (2) of the rules, an inspection of the account of ballot papers is provided for, and it so happened that wrongly and inadvertently, the account of the ballot papers had been placed in the same packet or in the same sealed cover which contained the ballot papers also. What was to be done under those circumstances? Obviously, the intention of the person who applied for an inspection of the account of the ballot papers was to file an election petition. Of course, such a case has not come up, but I know that it has happened in my own State, where the account of the polling papers had also been placed in the same sealed cover containing the ballot papers. In such a case, one of the two courses is open. Whereas a party has got the right to inspect certain papers which are not ballot papers, but which are connected with the election, and which may be necessary for the purposes of his election petition, he is deprived of the right to do so, because nobody else except the Election tribunal has got the power to direct or order the opening of the sealed cover; so, you deny the right that has been granted to somebody under the Act and under the rules.

Therefore, the Election Commission thought that it would be better that if those papers which do not come strictly under rule 93 (1), not the ballot papers but the other papers connected with the election petition which do not come strictly under rule 93 (1), were inadvertently put, as was done in that case, in the same packet or the same cover, they could remove them from the packet and give them to the party who has applied for inspection. That is all that they wanted to do. Let me make it clear again that it was never the purpose of the Election Commission to inspect the ballot paper of anybody at any time, and the amendment has not been brought into force with that intention, because an inspection by the Election Commission leads nowhere. If it has not got the power of judicial review, if it has not the power of recounting, an inspection for the purposes of inspection will not lead it anywhere. So, the intention was only what I had pointed out.

May I also humbly point out that this rule has been gazetted only on the 31st March, 1962, long after the elections were over? So, it will be wrong to presume that it was done with an ulterior motive, just to serve the interest of the ruling party or some particular person, because the elections had been over by that time.

Shri Bhagwat Jha Azad: We, Members of the ruling party, all want that this rule should go.

Shri A. N. Vidyalankar: But the packets will be opened in the presence of al the parties.

Shri Bibudhendra Mishra: I have already narrated the circumstances. There was no question of opening the ballot papers at all. I have already pointed out the facts and I have stated that that was done for the purpose of separating the other papers connected with the election, which had been inadvertently put in the same cover as the ballot papers.

Shri Paliwal (Hindaun): Why can it not be provided that the ballot papers and the other papers will be packed separately?

Shri Bibudhendra Mishra: Let the hon. Member bear with me. I shall make the position clear presently.

As I have already stated, it does not serve any purpose if the power of inspection of the ballot papers is granted to the Election Commission, since they have no power of judicial review and they have no power to recount. Therefore, it was not done with any ulterior motive.

Moreover the elections are over, and there is no occasion for a few more years, I mean, a period of five years at least, when such a question will crop up, except when there are any by-elections.

Shri K. R. Gupta (Alwar): There will be so many by-elections.

Shri Bibudhendra Mishra: This question may come up in a by-election, but in a general way, it will not crop up for the next five years.

I have taken the sense of the House, and I want to make it clear that this was done with this object in view only, and in consultation with the Election Commission, Government will see that it is suitably amended so as not to cover the cases of inspection of ballot papers. I can assure the House that that will be done.

I only wanted to narrate the background and the circumstances under which this amendment has been made.

Shri Ram Ratan Gupta: But this limited purpose can be served by specifying in the rule that these papers should be separately packed. For that purpose, you do not want this power for Election Commission. Once that power is given, we do not know where it will end, when the general elections take place. So, you should withdraw it.

Shri Bibudhendra Mishra: Those rules are there. When I have said that in consultation with the Election Commission, the apprehensions of the Members will be allayed, and rules will be framed suitably, I hope the hon. Member will bear me out that the intention was not bad. That is all that I have to say about the rules.

Shri S. S. More: What about the motion?

Shri Bibudhendra Mishra: I am coming to that. I have not yet finished. I expect my hon. friend to withdraw the motion, in view of the assurance given by me that the apprehensions will be allayed.

Shri D. C. Sharma: Please withdraw the rule.

Shri Bibudhendra Mishra: I would like to make only one or two observations about the speech made by my hon. friend Shri Tyagi. He has made sweeping remarks against the executive as well as the judiciary. I do not share his opinion and I do not want to say anything about it. But let me tell him, when he says that he is very anxious that the returning officer should perform his duty strictly and impartially and under the provisions of the Act and the rules, that I am equally anxious in that regard, and I agree with him; but, he has suggested that the offenders should get severe punishment. But, how can such offenders be brought to book, when a man like Shri Tyagi himself unfortunately, prefers not to make any complaint? He must also be vigilant. In a democracy, everybody must be strict and vigilant about his functions also. Otherwise, no law, however perfect it may be, can ever function properly.

Then, as regards the Election Commission, some doubts have been expressed about the honesty and integrity of the Election Commission.

Some Hon. Members: Nobody has done that.

Shri Bibudhendra Mishra: Yes, it has been suggested that the Election Commission would tamper. I shall be happy to hear that that is not so. It has been suggested that there is a likelihood that the Election Commission will tamper.

15 hrs.

On the whole, the Election Commission has functioned very well in this country. Let it not be forgotten that to some extent the Election Commissioner has been given the same status and importance as a Supreme Court Judge under clause 5 of article 324 of the Constitution.

In view of the assurance given by me that this rule will be clarified and in view of the statement made by me and the recital of the facts that led to this rule, I would request the hon. Member to withdraw his resolution.

Shri Bhagwat Jha Azad: Let us take the sense of the House.

Shri Shree Narayan Das: I am thankful to all those hon. Members who have supported my Resolution. I am also thankful to the Minister who has given the background and the circumstances which have impelled Government to make this amendment.

Shri Morarka (Jhunjhunu): He has given assurance.

Shri Shree Narayan Das: Previously when he spoke, he gave certain background so far as this amendment was concerned. I have not been able to convince myself of the arguments given by the hon. Deputy Minister. It has been made clear in the speeches that no useful purpose will be served by retaining this rule because after counting or recounting when the results are declared, all these papers are packed, and any person who is not satisfied with the counting has to go to the tribunal.

Shri Bibudhendra Mishra: May I ask him a question? This has not been answered by anybody. If any paper that is connected with the election—I do not mean ballot papers—which a party under the election law is entitled to inspect is put inside the ballot cover, how is he going to get it? (*Interruptions*).

Shri Harish Chandra Mathur (Jalore): Laws are not enacted to make mistakes.

Shri Shree Narayan Das: The only point made by the hon. Minister is that in certain cases, in one or two cases, some list of polling agents or some papers not coming under rule 93 may be packed and sealed along with the ballot papers, by mistake, and it is in order to enable the Election Commission to remove that that this power is given. To this I would say that at the time of the sealing of the papers, the parties concerned are there. They have the right to put their own seals on those papers. So if there was any mistake on the part of the returning officer in putting in that cover some other paper, the party concerned must have objected at that time. If he failed at that time, the only course left to him is to state in his election petition that those papers were not available for inspection. Then the election tribunal will look into the matter and if it is satisfied that it is a genuine complaint, give the benefit to the petitioner.

Therefore, I would request the hon. Minister to reconsider this matter. He has seen the sense of the House. Almost all the arguments raised by hon. Members have remained unrefuted. I think the Election Commission will not gain anything by having this power. The Election Commission has wide powers for superintendence, guidance and control of elections. I do not know why the Election Commission itself has suggested this. The Deputy Minister said that it was at the suggestion of the Election Commission that this amendment was made. I do not understand why the Commission wanted this power, when these powers are not to be used, because after the declaration of the result, the papers are filed and are kept or produced before the court only and the court has the power to change the decision given by the returning officer.

Therefore, I think this rule is redundant. In view of the opinion expressed in the House, I would request the hon. Minister to accept my Resolution. If he does not, I would request the House to see that this Resolution is accepted by it.

Mr. Deputy-Speaker: Does he want to withdraw it

Shri Shree Narayan Das: No.

Some Hon. Members: No, no.

Mr. Deputy-Speaker: Then I will put it to the House. The question is....

Shri Bibudhendra Mishra: Can it be postponed for some time, Sir?

Some Hon. Members: No, no.

Shri Morarka: It may be kept pending for some time

Shri S. S. More: It may be held over.

Shri Sumat Prasad: Let the Deputy Minister accept the principle of it. Then he can re-introduce the rule suitably worded.

Mr. Deputy-Speaker: We will vote on it later.

Shri Ram Ratan Gupta: Some time-limit should be fixed.

Mr. Deputy-Speaker: We will give him time till 5 P.M.

In the meanwhile we will take up the next item on the order paper.

15·06 hrs.

CUSTOMS BILL

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): I beg to move:

"That the Bill to consolidate and amend the law relating to customs be referred to a Select Committee consisting of 30 Members, namely: Shri Ramchandra Vithal Bade; Shri G. Basu, Shri Tridib Kumar Chaudhuri, Shri R. Ramanathan Chettiar, Shri N. T. Das, Shri Morarji Desai, Shri B. D. Deshmukh, Shri Vishwanath Singh Gahmari, Shri J. N. Hazarika, Shri Prabhu Dayal Himatsingka, Shri Hari Vishnu Kamath, Shri Narendrasingh Ranjitsingh Mahida, Sardar Surjit Singh Majithia, Shri Krishnan Manoharan, Shri Bakar Ali Mirza, Shri Mahesh Dutta Misra, Shri R. R. Morarka, Shri Shankarrao Shantaram More, Shrimati Savitri Nigam, Shri Ghanshyamlal Oza, Shri Prabhat Kar, Shri A. V. Raghavan, Shri Shivram Rango Rane, Shri S. V. Krishnamoorthy Rao, Shri R. V. Reddiar, Shri K. V. Ramakrishna Reddy, Shri M. Shankaraiya, Dr. L. M. Singhvi, Shri Sumat Prasad and the Mover with instructions to report by the last day of the first week of the next session."

Dr. Melkote (Hyderabad): On a point of order. The names read out contain names of Rajya Sabha Members also. Are we expected to approve of the names of Rajya Sabha Members?

Mr. Deputy-Speaker: They are all Members of the Lok Sabha.

Shri B. R. Bhagat: The Sea Customs Act of 1878 which lays down the basic law relating to customs was enacted more than 80 years ago. Though it has been amended from time to time to meet the changing needs on specific points, no general and comprehensive revision of the Act has been undertaken. The provisions that were considered adequate for the purpose in the latter part of the last century had with time grown obsolete and hardly suit the needs of modern times. The Government have tried to interpret as liberally as possible the provisions of the existing Act, but even then certain difficulties have remained. The trade has also been pressing for various changes and facilities.

Another important factor which we have to take note of now is the evil of smuggling as a consequence of a strictly controlled economy. While drafting this Bill, we have tried to achieve the twin objective of facilitating in every possible way the smooth flow of genuine trade while at the same time ensuring effective measures against smuggling and evasion of duty. While revising the Sea Customs Act, opportunity has also been taken to consolidate the provisions relating to sea customs, land customs and air customs into one comprehensive measure.

While almost all the provisions of the Sea Customs Act are applicable to imports by air, the position in regard to land customs has so far been diff-

erent. Goods imported or exported by land are at present not liable to the duty unless they are imported from or exported to a territory which is declared a foreign territory by a notification issued under section 5 of the Indian Tariff Act, 1934. Even then it becomes leviable in respect of only such commodities as are specified in the notification. Basically there is no difference between imports by land or by sea. Customs duties are imposed on goods coming from a foreign country, and the means by which the goods are imported is really not relevant. It has, therefore, been provided in the Customs Bill that imports and exports by land should also automatically attract customs duty as in the case of imports and exports by air or sea.

Again, the facility of bonding goods in a warehouse which enables an importer to postpone the payment of duty till the goods are actually cleared from the warehouse is at present not available in respect of goods imported by land, nor are imported goods which are ex-exported by land entitled to any drawback of the import duty. With the incorporation of land customs into this comprehensive measure, these warehousing and drawback facilities will now be extended to goods imported or re-exported by land also. A few other changes will also automatically follow.

The new law has also been considerably simplified. All obsolete provisions in the existing Act have been omitted. Provisions which under the Constitution fall in the State field have also been omitted. Procedural provisions which lay down the details of day-to-day administrative procedure have also been deleted as they tend to make the administration rigid. It is essential that the day-to-day procedures should be flexible enough to suit changing circumstances, and if these details are written into the law itself the necessary degree of flexibility is lost.

Opportunity has also been taken to rearrange the various sections and chapters to group akin provisions together. The legal provisions regarding baggage goods carried by post and stores have now been suitably defined and grouped together in a separate chapter titled, "Special provisions regarding baggage, goods imported or exported by post and stores".

Particular mention may also be made of the simplification of the penal provisions. Section 167 of the existing Act has as many as 87 penal clauses In the revised provisions, this number has been drastically reduced and a rational regrouping evolved, comprising (a) confiscation of imported goods, (b) confiscation of export goods, (c) personal penalties, and (d) confiscation of vessels, aircraft and vehicles There is also a residuary penal provision which specifies the penalty in respect of contravention for which the other clauses do not make any specific provision. Offences for which prosecution may be launched have been put together in a separate chapter. This regrouping and simplification should remove the confusion and multiplicity of existing penal clauses.

Another matters of interest is that certain provisions of the existing Act confer important and wide powers on customs authorities without laying down any guiding principle. Thus, for example, power has been given to impose restrictions on imports and exports. Again, there is the power to disallow export of warehoused goods or the export of goods under claim for drawback, or the coastwise carriage of goods: but in respect of none of these powers does the existing Act lay down any guiding principles. Similarly, no guiding principles have been laid down for fixation of tariff values. In keeping with the modern approach to legislation, it is now proposed to regulate these powers by laying down guiding principles, within the framework of which alone the executive authorities will have the power to frame rules or issue notifications. Further, under the existing Act it is not necessary to place the Rules or Notifications before Par-

[Shri B. R. Bhagat]

liament. It is now being provided that all Rules and important notifications, which have been specified in the new law, will be placed before both the Houses of Parliament, and I am sure that the House will welcome these changes.

Apart from the various general measures of improvement which I have just broadly mentioned, the Bill seeks to give a number of facilities to the trade, and embodies a number of anti-smuggling measures. It has been our particular endeavour to give appropriate facilities and concessions to the general trader and to make the task of the smuggler and tax-evader difficult. I shall touch briefly on some of the important changes which the Bill incorporates under these two broad categories.

The first major proposal of benefit to the importers concerns the valuation of goods. Section 30 of the existing Act defines the assessable or real value of the goods for customs purposes.

The trade has represented from time to time against the provisions of section 30(a) of the existing Act on the ground that it is not equitable to determine value for customs purposes by including duty and other post-importation charges in the price. The General Agreement on Tariff and Trade, popularly known as GATT, to which India is a signatory, provides that value for customs purposes should be based on the competitive import price. It is, therefore, proposed to do away with the determination of assessable value on the basis of wholesale market price in India. The assessable value will now be the "normal price" as defined in clause 14(a) of the Bill.

Considerable difficulty has been experienced in the valuation of goods imported by parties enjoying a special relationship with the exporter such as branches and subsidiaries of foreign firms and sole representatives because in such cases the invoice may not always reflect the real price of the goods for assessment purposes. GATT provides that value in such cases should be based on the nearest ascertainable equivalent of the normal price. This guiding principle is being incorporated in the proposed definition of "value" in clause 14(b) and power is being taken to make rules for the determination of the nearest ascertainable equivalent of normal price in such cases.

The second important proposal which gives a major concession to the importers concerns the assessment of composite goods. Section 21 of the existing Act specifies that when goods consist of more than one article liable to different rates of duty, the entire goods shall be assessed at the highest rate of duty applicable to any of these articles. This action has caused considerable hardship to the trade. To remove this kind of difficulty, it is proposed to provide that accessories, spare parts and maintenance and repairing implements accompanying an article and which satisfy prescribed conditions may be assessed at the same rate of duty as the main article.

Another type of case in which the existing section causes difficulty is importation of sets of articles where the articles cimprising the set are liable to different rates of duty, e.g., a bottle of perfume in a toilet set. To remove the hardship caused in such cases it is proposed that if the importer declares the split-up values of the articles liable to different rates of duty, the articles may be assessed at the rates of duty appropriate to each.

Concessions are also proposed to be given when goods get damaged or deteriorate before they are cleared through customs. Under the existing provisions, abatement of duty is allowed in respect of goods liable to specific duty, only if they have been notified by the Central Government. It is now proposed to give the allowance in respect of all goods liable to specific duty. Further, under the existing provisions abatement of duty

is allowed in respect of damage or deterioration sustained before the delivery of the bill of entry. Under the revised provisions abatement will be allowed in respect of damage and deterioration right up to the stage of unloading of the goods. Thus, the careful importer who puts in his bill of entry before the unloading of the goods so that the processing of the documents may be complete even before the ship arrives, will not be at a disadvantage as at present, while at the same time, the importer who delays putting in a bill of entry till even after the goods have been unloaded will no longer get any unmerited relief.

Coming to remission of duty, the position under the existing Act is that remission is permissible in respect of warehoused goods only provided they are lost or destroyed by unavoidable accident or are abandoned by the owner. This concession is now being extended to goods which are cleared direct for home consumption. Since cases of total loss or destruction or complete deterioration cause considerable hardship, this relief should be particularly welcome to importers.

It is also proposed to extend the scope of the concession allowed in respect of deficiency in warehoused goods caused due to natural loss. Sections 115 and 116 of the existing Act permit an allowance to be granted in respect of natural loss that may occur only in the case of wine, spirit and beer in casks, and salt. There are a number of other substances also which are volatile and which evaporate during the course of storage in warehouses. It is proposed to extend the concession to all such volatile goods which are notified by the Central Government for the purpose, considering the volatility of the goods and the manner of their storage.

The difficulties that are caused to the importers when the clearance of their goods gets delayed are also sought to be reduced by specific provisions in the Bill. The existing facility of allowing clearance after the importer has executed a bond with acceptable surety can be availed of only by some importers. It is, therefore, proposed that when goods cannot be cleared within a reasonable time the goods may be permitted to be kept in a warehouse, so that the importer does not have to pay demurrage charges, and does not run the risk of losing a part of the goods through pilferage etc. by long storage. This will be an important facility to the trade which they do not at present enjoy and will remove a source of constant irritation between importers and the port authorities.

The Bill includes an upward revision in the rate of drawback when goods are re-exported. Section 42 of the existing Act provides that where imported goods are re-exported to any place outside India, 7/8ths of the duty shall be repaid as drawback. The deduction of 1/8th duty appears to have been provided first, as a fee for administrative work involved and secondly to encourage exports from warehouses in preference to exports of duty paid goods which have to be properly identified at the time of export. In view of the need to conserve foreign exchange and to facilitate re-export it is considered that 1/20th rather than 1/8th of the import duty should be sufficient deduction. It is, therefore, proposed to raise the rate of drawback to 95 per cent of the import duties.

While on the subject of drawback, I would also like to mention as it has an export promotion angle too that under the existing law, a number of procedural conditions have to be observed before drawback is granted. For instance, it is necessary that claim for drawback be established at the time of export. Another condition requires that after the vessel has left the claim for drawback should again be made within a period of six months. Still another condition specifies that the export should make-

[Shri B. R. Bhagat]

and subscribe a declaration about the autual export of the goods within the aforesaid period. These condition have been found to be irksome and are being done away with in the new provisions.

I would now refer to a major improvement that is being proposed in the procedure for clearance of coastal goods. The procedure at present in force for the carriage of coastal goods is that the consignor has to file a shipping bill. At the port of destination, the master of the vessel presents a list of the coastal goods and the consignee puts in a bill of entry for such goods which is passed by the customs officer if on check everything appears to be all right. The existing procedure is defective inasmuch as the consignee is required to fulfil certain cumbrous formalities. From the department's point of view also, the existing procedure is unsatisfactory. It is now proposed that the consignor of coastal goods will submit only a bill of coastal goods to the customs officer who, after passing it, will hand over the same to the master of the vessel and at the ports of destination on the basis of this very bill the customs officer will allow clearance of the goods thus cutting out a great deal of unnecessary paper work all round. This new procedure will be a big step forward in the expeditious clearance of coastal goods.

I shall now turn to the second category of proposals, namely those which will enable the department to check evasion and smuggling. The first major proposal in this connection is regarding the search of premises in which smuggled goods are suspected to be secreted. Section 172 of the existing Act provides that any Magistrate may, on an application by an Assistant Collector of Customs stating his belief that dutiable or prohibited goods or any documents relating to such goods are secreted in any place, issue a warrant for search. This dual responsibility is not conducive to a happy state of affairs inasmuch as the belief has mainly to be of the Assistant Collector of Customs and the warrant has to be issued by the Magistrate. Difficulty is also experienced when warrants have to be obtained at odd hours of the night or on holidays. It is, therefore, proposed to empower the Assistant Collectors of Customs to authorise search of premises.

It may be mentioned that the revenue laws regarding income-tax, central excise, sales tax and State excise already confer on the executive officers of those departments the powers to search suspected premises. The proposal made here is, therefore, in conformity with other similar laws. In other countries also, such as U.K., Australia U.S.A. and Canada, the powers to search premises are vested in departmental officers.

The vesting of these powers in the Assistant Collector of Customs only would not meet the situation on such portions of the land frontiers or the coast of India which are particularly susceptible to smuggling and where it is not practicable to obtain an Assistant Collector's authorisation in proper time. To meet this difficulty, it is proposed to empower the Central Board of Revenue to specially select by name certain customs officers who will be properly deployed in such areas and who will have the power to search premises without any authorisation from the Assistant Collector. The proposal is on the lines of the system obtaining in U.K. and Australia, where certain selected customs officers are issued writs of assistance which empower the officers named therein to search any suspected premises.

The next major proposal is regarding the liability for confiscation of exempted goods in case of misuse. At present, subject to certain limitations and conditions baggage is exempt from payment of duty and

import trade control restrictions. Often, passengers coming to India are made use of by certain vested interests to bring goods for trading purposes. As the law stands at present, the customs department is not in a position to take any penal action against such goods when they pass into trade. What is true of baggage is also true of gifts received by post and of goods exempted from duty and the import trade control restrictions on the ground that they are for the use of a specified class of persons. To prevent misuse of goods which have been shown such concessional treatment at the time of their import into India, it is now proposed that goods for which the conditions on which exemption was initially granted are not observed. will become liable to confiscation.

Checking of smuggling on the export side has presented legal difficulties. At present officers of customs cannot seize goods brought near the land border or sea coast for being smuggled out, because unless the goods are about to be exported they do not come within the mischief of the law, as, in strict law, it cannot be said that an attempt to export them has been made. To get over this difficulty, it is proposed to provide that if any dutiable or prohibited goods are brought near the land frontier or the sea coast for the purpose of being exported from a place other than a duly appointed customs station, the goods shall be liable to confiscation. This provision should strengthen the hands of the department in checking smuggling on the export side.

The next important proposal is regarding the infliction of personal penalties on persons who abet in smuggling. Under section 167(8) of the existing Act, any person concerned in the offence of importing or exporting goods contrary to a prohibition or restriction, is liable to a personal penalty. As worded, this section does not apply to persons who may have given financial or other assistance before the act of importation or who may have been helpful in the disposal of the smuggled goods after the act of importation. Often the carrier is merely an agent employed for the actual act of importation and the principal offender is the financier or the organiser of the smuggling gang. It is essential to bring such persons within the mischief of the penal clause in order to inflict personal penalties on such ring-leaders. It is proposed to amend the penal clause accordingly.

Another proposal concerns the amount of personal penalty that may be inflicted on a person who evades or abets in the evasion of customs duty. Under section 167 of the existing Act, the maximum penalty that can be imposed on a person who is only concerned in any contravention regarding evasion of duty is Rs. 1,000. Considering the increase in smuggling, the maximum of Rs. 1,000 is very inadequate. It is proposed that any person who is concerned in any contravention regarding evasion of duty or who abets in such contravention by rendering financial or other assistance or by concealing or selling the concerned goods, shall be liable to a personal penalty which may extend to three times the duty sought to be evaded or Rs. 1,000 whichever is greater.

Having dealt with the persons who help in smuggling, I would now deal with vessels, aircraft and vehicles which are used for smuggling. In 1957, the Sea Customs Act was amended to provide, on the lines of the United Kingdom Customs Act, that if a vessel constructed, adapted, altered or fitted for the purpose of concealing goods is within the Indian customs waters, such vessel shall be liable to confiscation. Since it is proposed to extend the Act to importation and exportation by air and land also, it is necessary to extend these provisions to aircraft and vehicles on the lines of similar provisions in the

[Shri B. R. Bhagat]

U.K. Act. They will apply to any aircraft which is or has been in India while constructed, adapted, altered or fitted for the purpose of concealing goods. As regards the vehicles, such of them will come within the ambit of the proposed provisions as have been within the limits of any docks, aerodrome or land customs station.

Another proposal in this connection concerns section 168 of the existing Act which provides that any conveyance used in the removal of any goods liable to confiscation shall also be liable to confiscation. As this section stands at present, conveyance in which any contraband is brought into India are not liable to confiscation, as they cannot be said to have been used in the removal of such contraband. This lacuna is proposed to be removed. It is proposed to provide that any conveyance which has been used in the smuggling of goods or in the carriage of smuggled goods shall be liable to confiscation, but certain safeguards are being provided. The first one is that if the owner of the conveyance had taken all such precautions as may be specified in the rules framed by the Central Government the conveyance shall not be liable to confiscation. The idea is that the customs authorities will take action against such conveyances only where the main persons concerned with those conveyances refuse to take the precautions necessary for combating smuggling. The second safeguard which is being provided is that the owner of a conveyance used for carriage of goods or passengers for hire shall be given an option to pay in lieu of confiscation of the conveyance a fine not exceeding the market price of the goods which have been smuggled in such conveyance.

The next important proposal in the category of anti-smuggling measures concerns the sale proceeds of smuggled goods. Under the existing Act if the smuggled goods have been sold by the smuggler or by his accomplice who helps in the disposal of smuggled goods, the sale proceeds, even if found with such persons, cannot be seized and confiscated. There is, of course, the alternative of imposing a personal penalty on such a person but this cannot be done except after issuing a show-cause notice to him and after giving him a reasonable time to rebut the allegations and unless he has also been given an opportunity to be heard in person if necessary. The time taken by these formalities gives an opportunity to such a person to do away with his assets, with the result that the personal penalty, even if imposed, may remain unrealised. It is proposed to provide, therefore, that where any smuggled goods are sold by a person having knowledge or reason to believe that the goods are smuggled goods, the sale proceeds thereof shall be liable to confiscation.

I will now refer to two major proposals that have been made regarding prosecutions. Under the existing Act, if any person makes or signs or uses any declaration or document in the transaction of any business relating to customs, knowing such declaration or document to be false in any particular, such person is on conviction before a magistrate, liable to a fine not exceeding Rs. 1,000. This provision is being amended in two respects. Firstly, a person who abets in such an offence is also being made liable to punishment. Secondly, it is proposed that the punishment may extend to six months imprisonment. Under other Acts, for example, the Income-tax Act, 1961, imprisonment has been provided for similar offences. Since fines do not have a deterrent effect and as the offence is of a serious nature, the offender has been made liable to imprisonment.

The other major proposal regarding prosecution is to tide over legal difficulties that have been encountered in using as evidence documents which may be seized during the course of

searches, etc. Since smuggling involves a deal between a person in India and a person abroad, documents written by the latter are often seized but in accordance with the ordinary procedure, it is well-nigh impossible to prove the contents of such documents or that the document has been written by the particular person abroad. To meet these difficulties it is proposed to provide that where any documents are seized from the control or custody of a person and such document is tendered by the prosecution in evidence against such person, the court shall, unless the contrary is proved, presume the truth of the contents of such document and that the document has been signed by the person by whom it is purported to be signed. This provision which is being inserted on the lines of a similar provision in the Foreign Exchange Regulations Act will be helpful in the prosecution of smugglers and their accomplices.

Sir, I have given only a broad review of the more important of the several provisions contained in this Bill. The Select Committee to which I propose that the Bill be referred by the leave of the House, will have ample opportunity for examining all the provisions in detail.

With these words, I move that the Bill be referred to a Select Committee.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to consolidate and amend the law relating to customs be referred to a Select Committee consisting of 30 members, namely Shri Ramchandra Vithal Bade, Shri G. Basu, Shri Tridib Kumar Chaudhuri, Shri R. Ramanathan Chettiar, Shri N. T. Das, Shri Morarji Desai, Shri B. D. Deshmukh, Shri Vishwanath Singh Gahmari, Shri J. N. Hazarika, Shri Prabhu Dayal Himatsingka, Shri Hari Vishnu Kamath, Shri Narendrasingh Ranjitsingh Mahida, Sardar Surjit Singh Majithia, Shri Krishnan Manoharan, Shri Bakar Ali Mirza, Shri Mahesh Dutta Misra, Shri R. R. Morarka, Shri Shankarrao Shantaram More, Shrimati Savitri Nigam, Shri Ghanshyamlal Oza, Shri Prabhat Kar, Shri A. V. Raghavan, Shri Shivram Rango Rane, Shri S. V. Krishnamoorthy Rao, Shri R. V. Reddiar, Shri K. V. Ramakrishna Reddy, Shri M. Shankaraiya, Dr. L. M. Singhvi, Shri Sumat Prasad and Shri Bali Ram Bhagat with instructions to report by the last day of the first week of the next session."

Is there nobody to speak?—All right. I will put the Motion to the vote of the House. The question is:

"That the Bill to consolidate and amend the law relating to customs be referred to a Select Committee consisting of 30 Members, namely Shri Ramchandra Vithal Bade, Shri G. Basu, Shri Tridib Kumar Chaudhuri, Shri R. Ramanathan Chettiar, Shri N. T. Das, Shri Morarji Desai, Shri B. D. Deshmukh, Shri Vishwanath Singh Gahmari, Shri J. N. Hazarika, Shri Prabhu Dayal Himatsingka, Shri Hari Vishnu Kamath, Shri Narendrasingh Ranjitsingh Mahida, Sardar Surjit Singh Majithia, Shri Krishnan Manoharan, Shri Bakar Ali Mirza, Shri Mahesh Dutta Misra, Shri R. R. Morarka, Shri Shankarrao Shantaram More, Shrimati Savitri Nigam, Shri Ghanshyamlal Oza, Shri Prabhat Kar, Shri A. V. Raghavan, Shri Shivram Rango Rane, Shri S. V. Krishnamoorthy Rao, Shri R. V. Reddiar, Shri K. V. Ramakrishna Reddy, Shri M. Shankaraiya, Dr. L. M. Singhvi, Shri Sumat Prasad and Shri Bali Ram Bhagat with instructions to report by the last day of the first week of the next session.

The motion was adopted.

Mr. Deputy-Speaker: The House stands adjourned to meet again at 5 O'clock.

15.39 hrs.

The Lok Sabha then adjourned till Five of the Clock.

The Lok Sabha re-assembled at Five of the Clock.

[MR. SPEAKER *in the Chair*]

MOTION RE: CONDUCT OF ELECTIONS RULES—*contd.*

The Minister of Law (Shri A. K. Sen): May I suggest that further discussion on the motion be adjourned till the next session? There are a few things on which there are certain apprehensions, which have to be cleared up. I have spoken to the hon. Member who has moved the motion. We will see to it that there is no ground for these misapprehensions to remain. Yet, this provision is necessary for certain purposes. So, we may have a further discussion in the next session.

I beg to move:

> "That the discussion on the motion moved by Shri Shree Narayan Das be postponed to the next session."

Mr. Speaker: Motion moved:

> "That the discussion on the motion moved by Shri Shree Narayan Das be postponed to the next session."

Shri Bade: He has not told us what is the hitch or difficulty. Does he want to think more over the question?

Mr. Speaker: That is exactly what he has said.

Shri A. K. Sen: The fear expressed is that this power to open the ballot papers will be exercised even after the results of the elections are declared and the point made is since the Election Commissioner cannot affect the results, why should he inspect the papers? The answer is, he does not want to exercise the power after the result is announced. That is the simple point. Yet, before the results are declared, this is a very necessary provision.

Mr. Speaker: There ought to be no objection to this. The question is:

> "That the discussion on the motion moved by Shri Shree Narayan Das be postponed to the next session."

The motion was adopted.

17.02 hrs.

*SHARING OF RIHAND POWER BY U.P. AND M.P.

Shri Vidya Charan Shukla (Mahasamund): Mr. Speaker, Sir, the dispute between Madhya Pradesh and Uttar Pradesh regarding the distribution of power from Rihand dam is very well-known. It is rather degrading that two responsible State Governments should have a quarrel over the distribution of power from a national project.

In the Lok Sabha, the then Home Minister, Shri G. B. Pant, had assured the House that the agreement finalised between M.P. Government and U.P. Government will be fully honoured and M.P. will get its assured share of power. He also said that the matter has been handed over to the Central Zonal Council and the Central Zonal Council will finalise the details of the agreement. Most unfortunately, the Central Zonal Council has not met for the last 2½ years and so this matter is still hanging fire.

I will refresh the memory of the House about the injustice that has been done to M.P. regarding distri-

---

*Half-an-hour discussion.

bution of power from the Rihand project. Because of the nature of the project, no irrigation benefits can accrue to M.P. Only some power can be given. But the sacrifices made by M.P. for this project are absolutely unmatched by what U.P. was called upon to do. Mostly they are getting the benefits from it and they have had no sacrifices to make. 90 per cent of the catchment area for the Rihand dam lies in M.P. One-fourth of the Rihand lake itself will lie within the boundaries of M.P. The lake will submerge 45 villages, uprooting about 15,000 people.

Over and above this, there will be restriction on the use of water in the upper reaches of Rihand river in M.P. M.P. will not be able to utilise these waters which can be utilised for irrigation purposes and power generation purposes. The rich forest resources in the catchment area of the Rihand river and other subsidiary rivers which flow into Rihand will not be exploited by M.P. because any exploitation of forest resources or cutting down of forests will increase soil erosion which will in turn silt the entire dam. So the Madhya Pradesh Government will have to forego all the revenue which it would have got from the exploitation of these forest resources.

More serious than this is the submersion of some very valuable coal-bearing and corrundum-bearing areas. Those areas have got great mineral potentialities as discovered by the Indian Bureau of Mines and the Geological Survey of India. They will also be submerged under the lake and no benefit of that will go to Madhya Pradesh.

Sir, this draft agreement with Rewa Durbar which was finalised between the Uttar Pradesh Government and the then Government of Rewa, only took into account the territory that Rewa Durbar was going to lose. It did not take into account the other factors which also came into play after the formation of Madhya Pradesh—that is, in Sarguja District. Most of the catchment area of Rihand Dam lies in Sarguja District and not in Rewa. So the agreement with Rewa Durbar envisages supply of 10,000 kw at concessional price and 2,500 kw free of charge. They took into account what was the loss sustained by Rewa Durbar and not by the rest of Madhya Pradesh—that is, Sarguja District.

Although the understanding about distribution of power was reached between the two concerned governments during the planning stage of the dam the Government of Uttar Pradesh has unfortunately seen it fit to commit all the power that is going to be generated from Rihand Dam in the first stage without bothering at all about its commitments with the Madhya Pradesh Government.

Sir, there is no question of being parochial about this question of distribution of power from a national project. These matters are of great national importance, and whenever a gross injustice is tolerated by the Central Government all the other State Governments get an idea in their mind that they can always get away with a thing as long as they have possession of it. I personally consider that it is the duty of the Central Government to intervene in such matters and see that the defaulting Government is brought to book by the powers that the Central Government already has by various Central Acts and by whatever power it can exercise through the Central Water and Power Commission or through the Planning Commission.

Sir, I am sorry to say that by its calculated indifference the Central Government has caused a great deal of harm not only to Madhya Pradesh but to the idea throughout the country that these water disputes can be best solved by stalling them, by not reaching any agreement. The State Government which has already obtained benefit keeps it without trying to share it with the other governments

[Shri Vidya Charan Shukla]

which have made a claim on it. There are no set principles on which they can negotiate. Everybody does it on his own power. Whatever pulls they have with the Central Government or with the Planning Commission, they exercise them and all kinds of ungainly activities are seen in this connection. There are no set principles or set rules on which such matters could be decided. I would, therefore, request the Central Government to evolve certain rules or certain principles on which all such inter-State disputes about sharing of power or irrigation benefits can be decided.

Shri Daji (Indore): I whole-heartedly support the contention of my hon. friend, Shri Shukla.

Mr. Speaker: He can only put a question.

Shri Daji: I would like to know one thing pointedly. The hon. Deputy Minister, in reply to a question put by me during the question hour some days back, had assured us that the whole extra power available from Rihand dam have been given to Madhya Pradesh and the claims of Madhya Pradesh have been satisfied. I would like to know what has been done in this regard. If there is sufficient power available, why is the matter being delayed, when the claims of Madhya Pradesh are so categorical, imperative and clear.

Shri Bade (Khargone): May I put a question?

Mr. Speaker: He has not given me prior intimation. All right, I will give him an opportunity.

श्री बड़े : क्या यह सच है कि मध्य प्रदेश की काफी जमीन इसमें चली गई है और क्या यह भी सच है कि उसको इसमें काफी नुकसान हुआ है और इसको देखते हुए मध्य प्रदेश की असेम्बली ने यह प्रस्ताव पास किया है कि जो कांट्रेक्ट हुआ है, उसके अनुसार उसको पावर मिलनी चाहिये ? रिहांड से जो पावर पैदा होती है, वह पूरी इस्तेमाल नहीं होती है, इसलिये क्या सेंट्रल गवर्नमेंट ने उन पर दबाव डाला है और बाध्य किया है कि मध्य प्रदेश को पावर मिलनी चाहिये और क्या इसके बारे में मध्य प्रदेश की सरकार ने सेंटर को भी कुछ लिखा है या नहीं लिखा है ?

श्री सिंहासन सिंह (गोरखपुर) मैं .....

अध्यक्ष महोदय : सवाल पूछने वाले साहिबान को चाहिये था कि वह प्रायर इन्टीमेशन तो देते ।

श्री सिंहासन सिंह : रिहांड डैम की बिजली पूर्वी उत्तर प्रदेश को

अध्यक्ष महोदय : सवाल करने वाले जो साहिबान खड़े हो रहे हैं उनको इतनी चिन्ता तो करनी चाहिये थी कि वे प्रायर नोटिस ५५(५) में मुझे दे देते । सवाल करने पर मुझे ऐतराज नहीं है लेकिन रूल्ज का मुतालिया करना भी जरूरी है। अगर नोटिस दिया जाए तो सबको सवाल करने का मौका दिया जा सकता है। अब मैं एक सवाल करने की इजाजत दे दूंगा । लेकिन आइन्दा के लिये जो नोटिस देंगे, उनको ही सवाल करने की इजाजत मैं दूंगा । जब आपने पढ़ा कि यू० पी० के मुताल्लिक यह सवाल है तो आपको चाहिये था कि आप नोटिस देते । अब मैं एक सवाल करने की सबको इजाजत दे देता हूं ।

सरदार इकबाल सिंह, वह कैसे रिहांड डैम में इंटिरेस्टिड हैं ?

Shri Iqbal Singh (Ferozepur): This is my subject. One question that I propose to ask from the hon. Minister is this. Now that more and more inter-State projects are coming up, will it not be proper for the Government before sanctioning or starting

the project the proportion of sharing of the benefits, preferably announced in public, so that there can be no room for confusion or controversy?

श्री भक्त दर्शन (गढ़वाल) : क्या यह सच है कि उत्तर प्रदेश सरकार ने केन्द्रीय सरकार के सामने इस प्रकार की बात रखी है कि उत्तर प्रदेश के जो पूर्वी जिले हैं, वहां बिजली की इतनी बड़ी आवश्यकता है कि उनकी मांग की पूर्ति नहीं हो सकती है, इसलिये मध्य प्रदेश को देने के लिये उनके पास बिजली उपलब्ध नहीं है ?

Shri Ram Ratan Gupta (Gonda): I just want to know one thing. Once a matter has been finalised and agreements have been entered upon, if questions are raised in the House like this about one State Government against another, how far will it be laying down proper conventions? As has been pointed out just now, every day new inter-State projects are coming up and if the claims of a certain State....

Mr. Speaker: Has he any question to ask?

Shri Ram Ratan Gupta: After all, development effort is a common adventure which all the States combined are carrying on. Moreover, as far as this particular project is concerned, it lies mostly within the State of UP. Most of the investments are made by UP and it is intended to cover most backward area of U.P.

Mr. Speaker: Order, order. No speech can be made on this occasion. I only allowed him to put one question, if he wants.

Shri Ram Ratan Gupta: The question is whether the UP Government has ever agreed to re-enter into discussion on changing allocation of power from this project.

श्री बृज बिहारी मेहरोत्रा (बिल्हौर) : रेंड़ एक नदी है जिसका नाम कोई नहीं जानता था । उत्तर प्रदेश ने अपनी नायर बांध योजना को छोड़ करके यह रिहांड डैम बनाना स्वीकार किया । शुरू में यह २१ करोड़ की योजना थी जिस पर उसने ४२ करोड़ रुपया उसे उपयोगी और सुन्दर बनाने में खर्च कर दिया है । इसको उत्तर प्रदेश ने इसलिये बनाया है कि उत्तर प्रदेश का वह हिस्सा जो बहुत गरीब है, जहां पर कोई उद्योग धंधे नहीं हैं, जहां पर सिंचाई के कोई साधन नहीं हैं, वहां पर नये बनाये गये नल कूपों को बिजली दी जा सके और कुछ उद्योग धन्धे लगा सकें और वहां की गरीबी दूर की जा सके । अब क्या मध्य प्रदेश यह चाहता है कि उसको पकी हुई रोटी में हिस्सा मिलना चाहिये ?

श्री अ० सिं० सहगल (जंजगीर) : मैं अर्ज करूं

अध्यक्ष महोदय : सवाल ही कीजिये ।

श्री अ० सिं० सहगल : मैं सवाल ही कर रहा हूं । क्या यह सच नहीं है कि मध्य प्रदेश की बहुत सी जमीन इस रिहांड डैम को बनाने में गई है ? क्या यह भी सच नहीं है कि जो समझौता मध्य प्रदेश की सरकार के साथ हुआ था उस में यह तय पाया था कि जो बिजली है वह मध्य प्रदेश को बराबर दी जाएगी ? इसके साथ साथ मैं यह भी अर्ज करूं कि सरगुजा जिले की जो जमीन उसके अन्दर गई है उस जमीन के लिये मुआवजा देने के लिये क्या सरकार तैयार है ?

श्री सिंहासन सिंह : क्या यह सच नहीं है कि रिहांड डैम की जो स्कीम शुरू की गई थी वह उत्तर प्रदेश के पूर्वी जिलों की आवश्यकताओं को ध्यान में रखते हुए ही शुरू की गई थी? मैं यही जानना चाहता हूं कि वह क्या इसी आधार पर शुरू की गई थी या नहीं ?

श्री सरजू पाण्डेय (रसड़ा) : माननीय सिंहासन सिंह जी ने जो एक बात मैं कहना

[श्री सरजू पाण्डेय]

चाहता था वह कह दी है । जब रिहांड डैम बनाया गया था तो मुख्य रूप से यह बात सोची गई थी कि दस नए पैसे यूनिट के हिसाब से पूर्वी उत्तर प्रदेश को वहां की बिजली मिलेगी । मुझे सूचना मिली है कि किसी बड़े उद्योगपति को रिहांड डैम की बिजली दी जाएगी । क्या यह बात सही है या नहीं ?

अध्यक्ष महोदय : यह तो दो सूबों का झगड़ा है ।

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim): Sir, I have heard very astonishingly something said here because some of the things which have been said clearly never existed.

कुछ माननीय सदस्य हिन्दी में बोलिये ।

अध्यक्ष महोदय : चूंकि जिन मेम्बरों ने सवाल किये हैं उनमें से ज्यादातर ने हिन्दी में किये है, इसलिये वे चाहते हैं कि आप हिन्दी में जवाब दें । अगर आप अंग्रेजी में जवाब देना चाहते हैं तो मैं आपको मजबूर नहीं कर सकता कि आप हिन्दी में दें ।

हाफिज मुहम्मद इब्राहीम : मुझे हिन्दी बोलने में कोई ऐतराज नहीं है ।

जो कुछ यहां कहा गया है उस सब से एक नतीजा निकलता है कि एक जमाना हुआ, बहुत दिन हुए कि जो कोई मुआहिदा बिजली के मुताल्लिक या और किसी बात के मुताल्लिक उत्तर प्रदेश और मध्य प्रदेश, या जिस वक्त मध्य प्रदेश नहीं था और रियासतें थीं और जो खत्म हो गई, उनके साथ, हुआ है, वह बात सही नहीं है । कुछ बातें एक स्टेट के साथ शुरू हुई और वे भी मुकम्मिल नहीं हुई । वह स्टेट खत्म हुई और दूसरी स्टेट जो आई, वह भी खत्म हुई । इस तरह से कोई बात मुकम्मल नहीं हुई और न ही उत्तर प्रदेश के साथ इस वक्त तक कोई बात मुकम्मल हुई है ।

जहां तक इस बात का ताल्लुक है कि कुछ हिस्सा जमीन का मध्य प्रदेश का इसमें आया है और कुछ और चीजें जो आई हैं, उन सब के होते हुए इस बात से इन्कार नहीं है उत्तर प्रदेश को कि उसकी बिजली मध्य प्रदेश को नहीं दी जानी चाहिये । उत्तर प्रदेश मानता है कि बिजली उसको देनी है । अब जो किस्सा है वह यह है कि कितनी बिजली दी जाए । पहले २५०० किलोवाट देने की बात थी । लेकिन अब मैं उसमें नहीं जाता हूं । वे सब बातें फिजूल हैं । मैं इस बात को मानता हूं कि यह तय होने में कि कितनी बिजली मध्य प्रदेश को दी जाए, देर जरूर हुई है और मेरा कसूर इसमें इतना ही है कि चूंकि मैं इस वक्त सेंटर में हूं इस वास्ते मेरा यह कसूर है, वर्ना मेरा कोई कसूर नहीं है । पहले मैं उत्तर प्रदेश में था और उस वक्त सेंट्रल गवर्नमेंट ने इस मामले में कुछ नहीं किया । जिस वक्त यह डैम बनना शुरू हुआ था और इस पर कुछ काम हो रहा था, उस वक्त मैं वहां था और उस वक्त तक कोई बात तय नहीं हुई थी आखिरी तौर पर जिसकी बिना पर अमल किया जाता । जो भी हो, पूरी बात खत्म नहीं हुई और अब तक वह चल रही है । मामला सिर्फ इतना सा ही है कि कितनी बिजली मध्य प्रदेश को दी जाए । मैंने जैसे जवाब में अर्ज किया था कि जो जोनल कांउसिल है, उसने यह फैसला किया है कि दोनों चीफ़ मिनिस्टर्ज को मिल कर के इस बात को तय कर लेना चाहिये कि कितनी बिजली मध्य प्रदेश को मिलनी चाहिये और क्या उसकी कीमत हो । इसमें देर हुई है और कोई फैसला अभी तक नहीं हुआ है । जिन मेम्बर साहब ने इस मोशन का नोटिस दिया है वह मेरे पास आये थे, मेरे पास तशरीफ लाए थे और मैंने

उनकी खिदमत में अर्ज किया था कि मैं इस बात की कोशिश करूंगा कि यह बात तय हो जाए, मामला जल्दी से जल्दी तय हो जाए । इस बात के मुताल्लिक मैं यह बात अर्ज कर चुका हूं । लेकिन तमाम बातों को सुन कर मेरे दिमाग में एक बात आई, मुमकिन है कि मैं गलत समझा हूं, कि शायद यह खयाल किया जाता है कि सेंट्रल मिनिस्ट्रीज जो हैं उनको या मेरी मिनिस्ट्री को कोई इस किस्म के अख्त्यारात हासिल हैं जिनकी बिना पर मैं किसी स्टेट के ऊपर उसकी मर्जी के खिलाफ कोई बात इम्पोज कर सकता हूं । यह खयाल सही नहीं है । मैं अगर चाहूं कि मध्य प्रदेश को बिजली दे दूं, और किसी खास कीमत पर दे दूं तो मैं यह हुक्म नहीं कर सकता । मैं किसी को खुशामद करके, किसी से बातचीत करके भाई चारे के तौर पर, तय करा दूं तो यह हो सकता है, इससे मैं इन्कार नहीं करता । लेकिन यह जो खयाल है वह गलत है जो कुछ यहां कहा गया उसके पीछे जो खयाल मुझे मालूम पड़ता है वह सही नहीं है ।

मैं ज्यादा वक्त क्यों लूं । बेहतर यह है कि मैं यह अर्ज कर दूं .....

श्री बड़े : जब सेंटर से ग्रांट दी जाती है तो आपका कंट्रोल रहेगा ।

हाफिज मुहम्मद इब्राहीम : जो सब बातें कही गई हैं उनका जवाब इस थोड़े से वक्त के अन्दर नहीं हो सकता है । मैं ज्यादा कहने के बनिस्बत उस बात को ज्यादा मुनासिब समझता हूं साफ करना जो कि इस डिस्कशन के जरिये लाई गई है । इसलिये मैंने सब सवालों का खयाल नहीं किया । जिन मेम्बर साहबान ने मुझ से तमाम बातों को पूछा है, अगर वे चाहेंगे तो मैं उनको इस हाउस से बाहर बतला दूंगा । इस वक्त मैं सिर्फ इसके मुताल्लिक अर्ज करता हूं, जिन भाइयों को मध्य प्रदेश की फिक्र है मैं उनकी फिक्र दूर करने के लिए अर्ज करता हूं कि जो भी खिदमत मुझसे हो सकेगी, उसे करने के लिये मैं हाजिर हूं । जो मदद मुझसे हो सकती है वह मैं कर दूंगा और जहां तक मुमकिन होगा जल्द से जल्द इस मामले को तय करा दूंगा ।

Shri Vidya Charan Shukla: I want to reply to one or two points.

अध्यक्ष महोदय : इसके बाद तो रिप्लाई का सवाल नहीं है ।

Shri Vidya Charan Shukla: I want to clarify one matter.

अध्यक्ष महोदय : रिप्लाई का कोई प्राविजन नहीं है इस हाफ ऐन आवर डिस्कशन में ।

Shri Vidya Charan Shukla: I do not want to reply, but I want to clarify one matter, with your permission. One of the hon. Members said that U.P. has spent....

Hafiz Mohammad Ibrahim: I think we should not go into that question. I could say something about those figures. These figures may be correct or incorrect. The position is the same.

Mr. Speaker: The Member is not going to reply to the Minister, but to other Members from U.P.

Hafiz Mohammad Ibrahim: Through you, Sir, I suggest to him that he need not bother about it, whatever was said.

Shri Vidya Charan Shukla: One Member suggested that U.P. has spent all the money in making the Rihand Dam and now Madhya Pradesh wants to have the baked stuff. There is nothing of the sort. It is a national project, and most of the money has been spent by the Central Government, and it is not a project which is owned by any State Government.

Shri Daji: Our brief has now been taken by the Minister. Why worry?

अध्यक्ष महोदय : अब इस बात के झगड़े में नहीं पड़ना चाहिये ।

The House now stands adjourned till 11 A.M. tomorrow.

17.24 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, June 20, 1962/Jyaistha 30, 1884 (Saka)

[*Tuesday, June 19, 1962/Jyaistha 29, 1884 (Saka)*]

COLUMNS

ORAL ANSWERS TO QUESTION . . . 11573–11620

S.Q. No.	Subject	
1538	Model Service and Recruitment Rules for pulic sector undertakings	11573–76
1539	Village Housing Projects Scheme in Delhi	11576–77
1540	Tibetan refugees	11577–83
1541	Prices of drugs under patent system	11583–84
1542	Export of manganese ore	11584–86
1543	Shortfall in newsprint and synthetic rubber	11586–87
1544	Kidnapping of Indian fisherman by Pakistanis	11587–91
1545	Nepal's claim over a portilon of forest in Bihar	11591–94
1546	Appointment of relatives of Directors in Private Ltd., Companies.	11594–99
1547	Educational system in Goa	11599–11604
1548	Indians in Kenya	11604–05
1549	Indian immigrants to U.K..	11606–08
1551	Transmitter at Dharwar station of A.I.R.	11609–10
1552	Rehabilitation of refugees in Katihar, Bihar.	116 –1

S.N.Q. No.		
19	Employees of Indian Trade Agency at Yatung	11611–15
19-A	Appointment of Shri H.M. Patel as head of Narmada Valley Authority	11615–20

WRITTEN ANSWERS TO QUESTIONS- 11620–7

S.Q. No.		
1553	Insurance Companies in Goa	11620–21
1554	Indian traders in Tibet	11621–22
1555	Building for Defence Headquarters	11622
1556	Negotiations with South Africa on people of Indian origin	11622–23

WRITTEN ANSWERS TO QUESTIONS—*contd.*

U.S.Q. No.	Subject	COLUMNS
1557	Coal mining by West Bengal Government	11623
1558	Export of iron ore from Goa	11623–24
1559	Prefabricated Houses Pilot Project	11624
1560	Film about Mahatma Gandhi	11625
1561	Export of shoes and handicrafts to Soviet Union	11625
1562	Planning Board in Jammu and Kashmir	11625–26

U.S.Q. No.		
3423	Documentaries on Health programmes	11626
3424	Paper mill at Ghazipur in U.P.	11626–27
3425	Slum clearance in Uttar Pradesh	11627
3426	Workers Education Centres in U. P.	11 627–28
3427	Industrial Estates in Maharashtra	11628–29
3428	Export of frogs	11629
3429	Educated unemployed in Kerala	11629–30
3430	Loan for construction of houses in Orissa	1163031
3431	Development of sericulture in Orissa	11631
3432	Handicrafts Industry in Orissa	11631–32
3433	Improt of scrap ships for breaking	11632–33
3434	Payment of Povident Fund	11633
3435	U.N. Statistical Commission meeting	11633–34
3436	Small Scale Industries Board in West Bengal	11634
3437	Amount spent by States during First Year of Third Plan	11635–36
3438	Survey of employment of Matriculates	11636
3439	Survey of employment of graduates	11636
3440	Village Housing Scheme for Tripura	11636–37
3441	Inventions for National Welfare	11637–38

WRITTEN ANSWERS TO QUESTIONS—*contd.*

U.S.Q. No.	Subject	Columns
3442	Wage Boards	11638
3443	Licence for importing metal reeds in Pondicherry	11638–39
3444	Report of U.N. Commission on death of *ex*-U.N. Secretary-General	11639–40
3445	Newsprint factory in Kangra (Punjab)	11640
3446	Bogus news agencies and syndicates	11640–41
3447	All India Industrial Exhibitions in the country	1 641
3448	Amenities in Government quarters in Gole Market area	11641–42
3449	Paper factories in Uttar Pradesh	11642
3450	Tea centre in Edinburgh	11643
3451	Opening of a Tea Centre by the Irish Tea Council	1164 3
3452	Industrial Estates in Orissa	11643–44
453	Small Scale Cooperative handloom industries in Orissa	11644
3454	Production-*cum*-Training Centres	11644–45
3455	Assistance for industries for D.Ps. from Ceylon and Burma	11645–46
3456	Tibetan refugees	11646
3457	Refugees from East Pakistan in Tripura	11647
3458	Royalty to foreign collaborators of Indian projects	11647
3459	Committee set up by GATT for trade development	11648
3460	Export of iron ore from Calcuta Port	11649
3461	Export of iron ore from Calcutta Port	11649
3462	Alleged Indian Intrusion into Chinese territory	11650
3463	Water-marking of newsprint	11650–51
3464	Rehabilitation of Tibetan refugees in NEFA	11651
3465	Export of Tapioca to West Germany	11651–52
3466	Delegation for mewsprint	11652
3467	Broadcasts directed to West Africa by All India Radio	11652–53
3468	Out-of-turn allotments of quarters	11653–54
3469	Passports for U. K.	11654
3470	Licences for industries	11654–55
3471	Food production in NEFA	11655–56
3472	National Productivity Council study teams	11656
3473	Export of raw jute	11656–57
3474	Death of patient in E.S.I. Gandhi Hospial, Secunderabad	11657
3475	Brochures etc. in Sino-Indian border dispute	12658
3476	Broadcast regarding bursting of Panshet Dam	11659
3477	Sanforising process in the Indian mills	11659–60
3478	Mewar Textile Mills Ltd., Bhilwara	11660–61
3479	Central Project in Bastar district of Madhya Pradesh	11661
3480	Dandakaranya Project	11661–62
3481	Dandakararya Project	11662
3482	Dandakaranya Project	11662–63
3483	Dandakararnya Project	11663
3484	Dandakaranya Project	11663–64
3485	Offices in Talkatora barracks, New Delhi	11664–65
3486	Development of NEFA	11665–66
3488	Relations between industrialists and labour	11666–67
3489	Atomic power	11667
3490	Applications for industrial licences	11667–68
3491	Arrears of rent	11678–69
3492	Yarn for handloom weaver	11669
3493	Tariff agreements	11669–70
3494	Restriction on Indian diplomatic personnel in Peking	11970–71
3495	Indians in Africa	11671
3496	Industrial Cooperatives	11672
3497	Dwarka Paper Mill in Madhya Pradesh	11672
3500	Amount allocated for communications in Punjab hills	11672–73

WRITTEN ANSWERS TO QUESTIONS—*contd.*

U.S.Q. No.	*Subject*	COLUMNS
3501	Passports for Sarvodaya workers . . .	11673-74

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE 11674—79

(*i*) Shri P. R. Chakravarti called the attention of the Minister of Health to the reported outbreak of paralysis in epidemic form in Malda district of West Bengal

The Minister of Health (Dr. Sushila Nayar) made a statement in regard thereto.

(*ii*) Shri Mani Ram Bagri called the attention of the Minister of Health to the acute scarcity of water at Delhi station and Kotla Ferozeshah.

The Minister of Health (Dr. Sushila Nayar) made a statement in regard thereto.

PAPERS LAID ON THE TABLE . . . . 11679—82

(1) A copy each of the following papers :—

(i) Government of India's protest dated 10-5-1962 regarding Sino-Pakistan border negotiations ;

(ii) Chinese protest dated 30-4-1962 alleging fresh Indian intrusions;

(iii) India's reply dated 14-5-1962

(iv) Chinese protest dated 20-3-1962 alleging fresh intrusions by Indian personnel;

(v) India's reply dated 21-5-1962;

(vi) Chinese protest dated 11-5-1962 alleging intrusions by Indian personnel in Spanggur region ;

(vii) India's reply dated 21-5-1962 and counter

PAPERS LAID ON THE TABLE—*contd.*

COLUMNS

protest against a new Chinese post in the Spanggur region ;

(viii) Chinese note dated 26-4-1962 alleging Indian Intrusions in Ari region of China ;

(ix) India's reply dated 26-5-1962;

(x) Chinese protest dated 19-5-1962 alleging Indian intrusions in Longju area ;

(xi) India's reply dated 28-5-1962;

(xii) Chinese note dated 20-11-1961 regarding trijunction of borders of India China and Burma and the Sino-Burmese boundary Treaty;

(xiii) India's reply dated 31-5-1962;

(xiv) Chinese note dated 21-4-1962 alleging Indian intrusions;

(xv) India's reply dated 6-6-1962;

(xvi) Chinese note dated 27-4-1962 regarding Chinese post at SUMDO;

(xvii) India's reply dated 6-6-1962;

(xviii) Chinese note dated 15-5-1962 regarding India's protest of Chinese intrusion in Longju area (Roi) in January, 1962;

(xix) India's reply dated 6-6-1962;

(xx) Chinese note dated 17-5-1962 regarding air drop on Chinese posts by Indian aircraft in January, 1962;

(xxi) India's reply dated 6-6-1962.

(2) A copy each of the following papers :—

(i) The Newsprint Control (Amendment) Order, 1962 pubished in Notification No. 8/26/62-Imp. dated 29th May 1962, under sub-secton (6) of section 3 of the Essential Commodities Act, 1955.

PAPERS LAID ON THE TABLE—*contd.*

COLUMNS

(ii) The Coffee (Fourth Amendment) Rules 1962 published in Notification No. G.S. R. 736 dated the 2nd June, 1962, under sub-sction (3) of section 48 of the Coffee Act, 1942.

(iii) (a) Annual Report of the Export Risks Insurance Corporation Limited, Bombay, for the year 1961 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956.

(b) Review by the Government on the working of the above Corporation.

(3) A copy each of the following papers :—

(i) Annual Report of the Hindustan Salts Company Limited, Jaipur for the year 1960-61 alonwith the Audited Accounts and the comments of the Comptroller and Auditor General thereon under sub-sectin (1) of section 619A of the Companies Act, 1956.

(*ii*) Review by the Government on the working of the above Company.

STATEMENT BY MINISTER 11683—86

The Minister of Mines and Fuel (Shri K.D. Malaviya) made a statement on the Annual Report of the Oil and Natural Gas Commission for the year 1960-61

BILLS INTRODUCED . . 11686—88

(1) The Extrdition Bill, 1962.

(2) The Appropriation (No. 3) Bill, 1962.

(3) The Appropriation (Railways) No. 3 Bill, 1962

BILLS PASSED . . . 11688—11700

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Mishra) moved for consideration of the Advocate (Second Amendment) Bill. The motion was adopted. After clause-by-clause consideration the Bill, as amended, was passed.

MOTION FOR MODIFICATION OF CONDUCT OF ELECTIONS (SECOND AMENDMENT) RULES, 1962. 11701—55, 11771-72

Shri Shree Narayan Das moved the motion making certain amendment in the Conduct of Elections (Second Amendment) Rules, 1962 laid on the Table on 19-4-1962. He also replied to the debate. On a motion moved by the Minister of Law (Shri S. K. Sen) the discussion was postponed till the next session.

BILL REFERRED TO SELECT COMMITTEE 11735—70

The Deputy Minister in the Ministry of Finance (Shri B.R. Bhagat) moved that the Customs Bill, 1962 be referred to a Select Committee. The motion was adopted.

HALF-AN-HOUR DISCUSSION . . . 11772—82

Shri Vidya Charan Shukla raised a half-an-hour discussion on points arising out of the answer given on the 25th April, 1962 to Starred Question No.176 regarding sharing of Rihand Power by U.P. and M.P.

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim) replied to the discussion.

AGENDA FOR WEDNESDAY, JUNE 20, 1962/JYAISTHA 30, 1884 (SAKA)

Consideration and passing of the Appropriation (No.3) Bill, 1962 and the Appropriation (Railways) No.3 Bill, 1962; and discussion on the motion re: Report of University Grants Commission.

GMGIPND—LS II—1124 (Ai) LS—6-7-62—900